

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 165</p> <p>1 A. I knew about that.</p> <p>2 Q. So that there is a policy</p> <p>3 that the complaint and investigation are</p> <p>4 to be kept confidential from just</p> <p>5 anybody?</p> <p>6 A. I don't know the complaint.</p> <p>7 I know the confidentiality.</p> <p>8 Q. What do you know about the</p> <p>9 confidentiality?</p> <p>10 A. Confidentiality is I -- I</p> <p>11 tell Tara. Tara tells Jarvis and Jarvis</p> <p>12 do whatever she does with it.</p> <p>13 Q. Okay.</p> <p>14 A. And what I mean by that is,</p> <p>15 she escalates it.</p> <p>16 Q. Okay. And it -- now, by the</p> <p>17 time Tara -- do you know when Tara told</p> <p>18 Jarvis?</p> <p>19 A. No.</p> <p>20 Q. So by the time Tara had told</p> <p>21 Jarvis, you may have already reported it</p> <p>22 to Leslie Liebman; correct?</p> <p>23 A. I don't know.</p>	<p style="text-align: right;">Page 167</p> <p>1 should have.</p> <p>2 Q. You think she should have</p> <p>3 reported it to Ms. Robinson?</p> <p>4 A. Yeah.</p> <p>5 Q. Why?</p> <p>6 A. 'Cause she's the operation</p> <p>7 manager.</p> <p>8 Q. Okay. But you don't know if</p> <p>9 that's EDS' policy?</p> <p>10 A. No.</p> <p>11 Q. Okay. Now, you -- I want to</p> <p>12 go back to EDS not taking it seriously</p> <p>13 and you said something about the way</p> <p>14 management treated you. Could you tell</p> <p>15 me what you meant by that? Has Tara</p> <p>16 treated you any differently?</p> <p>17 A. I don't know. I don't</p> <p>18 know.</p> <p>19 Q. You'd be the only one that</p> <p>20 would know.</p> <p>21 A. No. I -- I -- it was a lot</p> <p>22 going on, I don't know, in my head, my</p> <p>23 mind. Everything was -- I don't know.</p>
<p style="text-align: right;">Page 166</p> <p>1 Q. It could have happened --</p> <p>2 A. Could.</p> <p>3 Q. -- that way?</p> <p>4 A. Could.</p> <p>5 Q. Okay. And if Leslie Liebman</p> <p>6 was already -- had already been</p> <p>7 contacted and was already conducting an</p> <p>8 investigation, would that be</p> <p>9 appropriate?</p> <p>10 A. No.</p> <p>11 Q. Leslie Liebman, the human</p> <p>12 resources person, shouldn't be the one</p> <p>13 conducting the investigation?</p> <p>14 A. Oh, she -- she should be</p> <p>15 investigate it, but --</p> <p>16 Q. Do you think she should be</p> <p>17 reporting everything she does to Ms.</p> <p>18 Robinson?</p> <p>19 A. She did, yes.</p> <p>20 Q. You know she did?</p> <p>21 A. No. No. Take it back.</p> <p>22 Take that back. She actually -- I don't</p> <p>23 know what Leslie did. I think she</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. As you sit here today, is</p> <p>2 Tara today treating you any</p> <p>3 differently?</p> <p>4 A. No.</p> <p>5 Q. What about Jarvis</p> <p>6 Robinson?</p> <p>7 A. Yes.</p> <p>8 Q. How is she treating you</p> <p>9 differently?</p> <p>10 A. She's -- prior to that, she</p> <p>11 was nice, friendly, whatever, hello, how</p> <p>12 you doing. Now it's more she looks at</p> <p>13 me, just don't say anything. I'm not</p> <p>14 the type that needs that, but she's</p> <p>15 just -- her whole attitude is -- is</p> <p>16 totally different.</p> <p>17 Q. You have to tell me what her</p> <p>18 attitude is. I can't get in your</p> <p>19 mind --</p> <p>20 A. Her attitude is -- is</p> <p>21 nasty.</p> <p>22 Q. How is she nasty to you?</p> <p>23 A. Well, nonchalant nasty.</p>

42 (Pages 165 to 168)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 169</p> <p>1 Just --</p> <p>2 Q. So she doesn't speak to you</p> <p>3 as much?</p> <p>4 A. Right.</p> <p>5 Q. She hasn't said anything</p> <p>6 inappropriate to you, has she?</p> <p>7 A. No.</p> <p>8 Q. And she hasn't yelled at you</p> <p>9 or been rude to you outright, has she?</p> <p>10 A. No.</p> <p>11 Q. Okay. Just she doesn't</p> <p>12 speak to you as often as she did</p> <p>13 before?</p> <p>14 A. Right.</p> <p>15 Q. Anyone else in management</p> <p>16 that you feel is treating you</p> <p>17 differently?</p> <p>18 A. No.</p> <p>19 Q. Now, in your complaint --</p> <p>20 let's go ahead and mark it.</p> <p>21</p> <p>22 (Defendants' Exhibit No. 9 was</p> <p>23 marked for identification.)</p>	<p style="text-align: right;">Page 171</p> <p>1 can think of?</p> <p>2 A. No.</p> <p>3 Q. That anybody else made --</p> <p>4 A. I can't --</p> <p>5 Q. -- derogatory comments or</p> <p>6 sexually suggestive comments to you?</p> <p>7 A. No, I can't think of any.</p> <p>8 Q. Okay. And we've talked in</p> <p>9 Count 2 which is -- starts at Paragraph</p> <p>10 20, we've been talking about how you</p> <p>11 believe EDS was negligent in hiring,</p> <p>12 training and supervising Mr. Williams;</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And I think I</p> <p>16 understand the hiring and the training.</p> <p>17 I want to talk specifically about the</p> <p>18 supervising. How do you think EDS was</p> <p>19 negligent in actually supervising Mr.</p> <p>20 Williams?</p> <p>21 A. There was -- I think they</p> <p>22 was negligent because -- ask that</p> <p>23 question again. I'm sorry.</p>
<p style="text-align: right;">Page 170</p> <p>1</p> <p>2 Q. Hand you what's been marked</p> <p>3 as Exhibit No. 9. And if you'd look on</p> <p>4 Page 3, Paragraph 11, it states that you</p> <p>5 were subjected to sexually suggested</p> <p>6 remarks and derogatory comments as well</p> <p>7 as improper physical contacts by</p> <p>8 defendant Jeff Williams and others. Did</p> <p>9 anybody besides Mr. Williams physically</p> <p>10 contact you inappropriately at EDS?</p> <p>11 A. No.</p> <p>12 Q. So it's just Jeff</p> <p>13 Williams --</p> <p>14 A. Yes.</p> <p>15 Q. -- that you contend touched</p> <p>16 you inappropriately?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And you stated that</p> <p>19 the sexually suggested remarks and</p> <p>20 derogatory comments, have we talked</p> <p>21 about all those?</p> <p>22 A. Yes.</p> <p>23 Q. There's none other that you</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Sure. We've talked about</p> <p>2 why you believe EDS was negligent in</p> <p>3 hiring Mr. Williams and training him.</p> <p>4 And now I just want to know supervising,</p> <p>5 is it any different than what you've</p> <p>6 already told me? How could they have</p> <p>7 supervised him better? How were they</p> <p>8 negligent in supervising Mr. Williams is</p> <p>9 what I'm asking.</p> <p>10 A. Rephrase that.</p> <p>11 Q. Sure. Part of your claim</p> <p>12 against EDS is that they were negligent</p> <p>13 in supervising Mr. Williams. I want to</p> <p>14 know how they were negligent.</p> <p>15 A. When they initially hired</p> <p>16 him, we talked about that.</p> <p>17 Q. Right. Okay.</p> <p>18 A. Okay.</p> <p>19 Q. Anything else?</p> <p>20 A. No.</p> <p>21 Q. Okay. The next cause of</p> <p>22 action you have is wanton hiring and</p> <p>23 training and supervision. Anything</p>

43 (Pages 169 to 172)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 173</p> <p>1 different than what we've already talked 2 about that would support that claim or 3 that cause of action? 4 A. Which is wantonness? 5 Q. It's a legal term. Are 6 there any other -- have you not -- are 7 there any additional facts that you 8 think would support this cause of action 9 as opposed to the one we've already 10 talked about? 11 A. Wanton, what is -- 12 Q. The just simple negligent? 13 A. -- the wanton? 14 Q. I'm not your lawyer. This 15 is your complaint. 16 A. Okay. No, we've discussed 17 it. 18 Q. Okay. There's nothing 19 additional, no additional facts? 20 A. No. 21 Q. Okay. Now, the next cause 22 of action is outrage and you allege that 23 defendant's conduct was extreme and</p>	<p style="text-align: right;">Page 175</p> <p>1 what part of it. 2 Q. Okay. So it's simply 3 because you don't know -- 4 A. Exactly. 5 Q. -- what's happened? 6 A. What's the outcome other 7 than -- 8 Q. Well, you were told what the 9 outcome was, weren't you? 10 A. I was -- only thing I was 11 told was we didn't find anything. 12 Q. Right. That it was 13 unsubstantiated? 14 A. Right. 15 Q. That there was no witnesses 16 and you said one thing and he said 17 something else; correct? 18 A. Basically, last statement 19 was we didn't find any supporting. 20 Q. Right. 21 A. That's all. 22 Q. Okay. Anything else -- any 23 other conduct by EDS that you thought</p>
<p style="text-align: right;">Page 174</p> <p>1 outrageous. I want to know what conduct 2 of EDS specifically was extreme and 3 outrageous? 4 A. EDS? 5 Q. Yes. 6 A. The way they handled the 7 situation. 8 Q. And you're talking about the 9 elevator incident specifically? 10 A. Even -- even after the 11 elevator incident, yes. 12 Q. And how do you think they 13 handled that, what was wrong with how 14 they handled that? 15 A. How they handled that. 16 Q. Is it because he's not 17 fired? 18 A. No. The investigation 19 process. 20 Q. What part of the 21 investigation process? 22 A. I don't know what went on in 23 the investigation so I can't tell you</p>	<p style="text-align: right;">Page 176</p> <p>1 was extreme and outrageous besides the 2 way they -- 3 A. No. 4 Q. -- handled the 5 investigation? 6 A. Other than him still being 7 there. 8 THE REPORTER: I'm sorry? 9 Q. Pardon? 10 A. Other than him still being 11 there, no. 12 Q. So the fact that he wasn't 13 terminated? 14 A. Well, yes. 15 Q. Okay. Anything else? 16 A. No. 17 Q. Can you tell me what 18 emotional distress you -- 19 A. I was -- 20 Q. Pardon me. -- you claim to 21 have suffered because of EDS' outrageous 22 conduct? 23 A. Anxiety attacks, panic</p>

44 (Pages 173 to 176)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 177</p> <p>1 attacks, paranoia, humiliation. I was 2 deprived of sleep. I wasn't even 3 comfortable in my work environment 4 anymore. Can't trust anybody around me, 5 just -- can't ride the elevator alone. 6 Q. You said you have anxiety 7 attacks. Have you ever had anxiety 8 attacks prior to February of 2005? 9 A. No. 10 Q. Do you still have anxiety 11 attacks? 12 A. Periodically. 13 Q. How often? 14 A. Well, I had it actually the 15 month of February. 16 Q. Of '05? 17 A. '6. 18 Q. Okay. 19 A. I had one in February '06. 20 Was the year anniversary, actually the 21 year after the incident happened. 22 That's probably about around that 23 time.</p>	<p style="text-align: right;">Page 179</p> <p>1 A. I don't recall the time, but 2 I had one and had to be driven home. 3 Q. When was that? 4 A. I don't recall. 5 Q. This year? 6 A. Summer. No, it's last 7 year. 8 Q. Is that the last panic 9 attack you've had? 10 A. No, I had one in '06, 11 February. I'm sorry. '06. 12 Q. So is there a difference 13 between an anxiety attack -- 14 A. No. 15 Q. -- and a panic attack -- 16 A. No. I thought -- 17 Q. -- or are they the same 18 thing? 19 A. They're different. 20 Q. How are they different? 21 A. Panic attack last you -- the 22 panic I was just afraid, just frozen. 23 Anxiety is like I'm hyperventilating.</p>
<p style="text-align: right;">Page 178</p> <p>1 Q. Is that the last one that 2 you had? 3 A. Yes. 4 Q. Okay. How often did you 5 have them before that? 6 A. Before that? 7 Q. Uh-huh (affirmative 8 response). 9 A. Oh, after the '05 incident, 10 I was having it quite often. 11 Q. What do you mean by quite 12 often? 13 A. Seems like two, three times 14 a week and I'd have to actually leave. 15 Q. And you'd leave work? 16 A. Yes. 17 Q. And your supervisor allowed 18 that? 19 A. Yes. I had a panic attack. 20 Paramedics had to be called on the 21 job. 22 Q. When did you have a panic 23 attack?</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Did anything happen 2 specifically in February '06 to make you 3 hyperventilate or was it just that it 4 was the anniversary? 5 A. Well, it was around the 6 anniversary. 7 Q. But was there anything else 8 specific that had happened? 9 A. No. 10 Q. What about the panic attack, 11 anything specific set it off or is it 12 just being at work? 13 A. No, it wasn't being at work. 14 It was just -- just sitting there. I 15 don't know. During the summer, last 16 summer sometime is one of the times he 17 was talking to Annie or whatever. And I 18 sit there and I cringe and I just 19 started shaking. And I -- 20 Q. And when was the last panic 21 attack you had, was that last summer? 22 A. Yes. 23 Q. Do you take anything for</p>

45 (Pages 177 to 180)

FREEDOM COURT REPORTING

Page 181	Page 183
<p>1 your anxiety?</p> <p>2 A. I just took Lexapro for</p> <p>3 antidepressant supposed to calm me.</p> <p>4 Some cloc -- I can't say the word. It</p> <p>5 start with a "C."</p> <p>6 Q. Okay. What about for panic</p> <p>7 attacks?</p> <p>8 A. No.</p> <p>9 Q. You said you're also</p> <p>10 paranoid now?</p> <p>11 A. I was paranoid.</p> <p>12 Q. Okay. For how long did that</p> <p>13 last?</p> <p>14 A. Oh, that lasted good seven,</p> <p>15 eight months.</p> <p>16 Q. But you don't feel like</p> <p>17 you're paranoid now as --</p> <p>18 A. No.</p> <p>19 Q. When you say you were</p> <p>20 humiliated, how?</p> <p>21 A. Just the -- just had -- one</p> <p>22 of the coworkers made a remark about the</p> <p>23 incident that I know I didn't say</p>	<p>1 about the incident.</p> <p>2 Q. Did you report her statement</p> <p>3 to anyone?</p> <p>4 A. No.</p> <p>5 Q. Do you know if she spoke to</p> <p>6 somebody you had talked to about the</p> <p>7 incident?</p> <p>8 A. I don't know. I know she's</p> <p>9 friends with Brenda.</p> <p>10 Q. Okay. So she might have</p> <p>11 spoken to somebody you actually told?</p> <p>12 A. Right.</p> <p>13 Q. Okay. And you said there</p> <p>14 was something else?</p> <p>15 A. Oh, Debra. The day of the</p> <p>16 incident actually. She was on a break</p> <p>17 and I was talking to her about it and I</p> <p>18 was like, Debra Adkins, and I was</p> <p>19 talking to her about it. And she said,</p> <p>20 she made a statement, she said, you</p> <p>21 might want to give it up to him and get</p> <p>22 some of that cobweb off of your -- she</p> <p>23 said the personal word of it --</p>
Page 182	Page 184
<p>1 anything to anybody about, and she made</p> <p>2 a remark -- two -- two remarks actually.</p> <p>3 One of them was when I had an ice pack</p> <p>4 on my shoulder and a heating pad on my</p> <p>5 back because I had some torn, whatever,</p> <p>6 cartilage, ligament, whatever the doctor</p> <p>7 said. I can't remember. And she came</p> <p>8 over and she asked me why did I have it</p> <p>9 on. And I told her I said it's an</p> <p>10 incident that happened last year and it</p> <p>11 hadn't healed. She made the comment you</p> <p>12 shouldn't have fought him. You just</p> <p>13 have just gave him some. You shouldn't</p> <p>14 have fought him off in the elevator.</p> <p>15 You should have just gave him some.</p> <p>16 Q. Who was that?</p> <p>17 A. Laura. Laura McNeil.</p> <p>18 Q. And you're saying you never</p> <p>19 spoke to --</p> <p>20 A. No.</p> <p>21 Q. -- Ms. McNeil about the</p> <p>22 incident?</p> <p>23 A. Never. Never spoke to her</p>	<p>1 Q. Are you and Ms. Adkins</p> <p>2 friends?</p> <p>3 A. -- said cat. Yes.</p> <p>4 Q. Did you report that?</p> <p>5 A. No.</p> <p>6 Q. And you'd actually talked to</p> <p>7 Ms. Adkins --</p> <p>8 A. That day.</p> <p>9 Q. -- about the incident?</p> <p>10 A. Yes.</p> <p>11 Q. Any other thing that you say</p> <p>12 contributed to your humiliation?</p> <p>13 A. I can't think of it.</p> <p>14 Q. Had you ever had anything</p> <p>15 like this happen before?</p> <p>16 A. No.</p> <p>17 Q. Never had been in an abusive</p> <p>18 relationship?</p> <p>19 A. No.</p> <p>20 Q. Hadn't been raped or</p> <p>21 attacked?</p> <p>22 A. No.</p> <p>23 Q. You said that you were</p>

46 (Pages 181 to 184)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 185</p> <p>1 deprived of sleep?</p> <p>2 A. Oh, yes.</p> <p>3 Q. For how long?</p> <p>4 A. Oh, I know it had to been up</p> <p>5 until -- still off and on now, but</p> <p>6 constantly like seven, eight months,</p> <p>7 nine months tops.</p> <p>8 Q. And you got Ambien?</p> <p>9 A. Yes.</p> <p>10 Q. Did you ever take Ambien</p> <p>11 before this?</p> <p>12 A. No.</p> <p>13 Q. Any other thing, the</p> <p>14 emotional distress, anything that has</p> <p>15 happened that you claim to be the</p> <p>16 emotional stress that you suffered?</p> <p>17 A. No.</p> <p>18 Q. Just anxiety, panic attacks,</p> <p>19 paranoia, humiliation, deprived of</p> <p>20 sleep. You said you're not comfortable</p> <p>21 in the work environment?</p> <p>22 A. Right. Shoulder pain.</p> <p>23 Q. The shoulder pain?</p>	<p style="text-align: right;">Page 187</p> <p>1 And he said he has to schedule an MRI.</p> <p>2 Q. Have you had an MRI?</p> <p>3 A. Yes. Two.</p> <p>4 Q. And?</p> <p>5 A. And I don't know --</p> <p>6 Q. You don't know the</p> <p>7 results?</p> <p>8 A. Yeah, I know the results. I</p> <p>9 don't know the terminology that they</p> <p>10 used.</p> <p>11 Q. In layman's terms.</p> <p>12 A. Layman's terms, something is</p> <p>13 torn in between that. It was swelling.</p> <p>14 Q. Had you done anything</p> <p>15 between February of '05 and when was the</p> <p>16 MRI?</p> <p>17 A. The MRI I had November. I</p> <p>18 had two. I don't recall the dates. But</p> <p>19 I had --</p> <p>20 Q. So November of '05?</p> <p>21 A. And -- no. January this</p> <p>22 year, '06, and I think it was one last</p> <p>23 year.</p>
<p style="text-align: right;">Page 186</p> <p>1 A. Yes.</p> <p>2 Q. When did you see a doctor</p> <p>3 about that?</p> <p>4 A. Actually, initially saw</p> <p>5 Rachel McKinney back in February of last</p> <p>6 year. She sent me to a neurologist.</p> <p>7 Q. To a neurologist?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 A. On -- on the 17th of</p> <p>11 February of '05.</p> <p>12 Q. And who was that?</p> <p>13 A. Paul Miller.</p> <p>14 Q. And what did he do?</p> <p>15 A. He did a ECG or E something</p> <p>16 on that.</p> <p>17 Q. And what did he find,</p> <p>18 anything?</p> <p>19 A. I think he found something.</p> <p>20 He gave me something. Some</p> <p>21 anti-inflammatory and he told me to come</p> <p>22 back in six months. And I came back in</p> <p>23 six months and pains was still there.</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. Okay.</p> <p>2 A. X-ray, MRI, one of the</p> <p>3 two.</p> <p>4 Q. And it's your contention it</p> <p>5 happened because of what was on the</p> <p>6 elevator?</p> <p>7 A. Because I pulled -- tore</p> <p>8 cartilage or ligament or something. It</p> <p>9 was swelling. Said releasing fluids in</p> <p>10 there.</p> <p>11 Q. And you hadn't done anything</p> <p>12 between --</p> <p>13 A. No.</p> <p>14 Q. -- the visits that would</p> <p>15 cause that?</p> <p>16 A. No.</p> <p>17 Q. Okay. And my understanding</p> <p>18 is you filed a worker's comp claim --</p> <p>19 A. Yes.</p> <p>20 Q. -- about a year after the</p> <p>21 incident?</p> <p>22 A. Yes. I didn't know about it</p> <p>23 when I was going through physical</p>

47 (Pages 185 to 188)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 189</p> <p>1 therapy or something they was telling 2 me. Dr. Barrington's office, she stated 3 she was going to -- I need to file a 4 workman's comp claim on it. I didn't 5 know. I was -- I just paying it. 6 Q. And EDS didn't try to stop 7 you from filing a worker's comp claim, 8 did they? 9 A. Not that I'm aware. 10 Q. In fact you went to your 11 supervisor Tara Relf and she helped you 12 fill out the forms? 13 A. No. She just told me where 14 to go to get it. 15 Q. Okay. Did she have to fill 16 anything out? 17 A. I think she did. I don't 18 know. 19 Q. What happened with that? 20 A. They denied it because they 21 stated that it was on the elevator, 22 something. 23 Q. Okay. Did you appeal the</p>	<p style="text-align: right;">Page 191</p> <p>1 it. I'll give it to my attorney. He'll 2 get it to you. 3 Q. Who all have you seen as a 4 result of what you claim to have 5 happened at EDS? And by seen, I mean 6 doctors or counselors. 7 A. Vonceil Smith, Paul Miller. 8 You said for the incident or just 9 purely -- 10 Q. First as a result of the 11 incident. 12 A. Okay. Dr. Barrington, 13 McKinney, physical therapy at A -- AOS 14 which is Dr. Barrington's office, a 15 chiropractor. I think it's Peavy. 16 Q. What's his name again? 17 A. Dr. Peavy. P-E-A-V-Y. I 18 think that's it. 19 Q. Okay. We've talked about 20 Ms. Smith. She's a psychiatrist? 21 A. Psychiatrist. 22 Q. And you stopped seeing her 23 in November?</p>
<p style="text-align: right;">Page 190</p> <p>1 denial? 2 A. No. I didn't -- didn't know 3 I could. 4 Q. And do you know who made the 5 decision? 6 A. No. 7 Q. Okay. Is it your 8 understanding that EDS has a third party 9 administrator for its worker's comp? 10 A. No, I didn't. 11 Q. Okay. How did you find out, 12 who told you that your worker's comp had 13 been denied? 14 A. They sent a letter. 15 Q. Who's they? 16 A. Someone out of Georgia from 17 the workman's comp. 18 Q. Okay. It wasn't from EDS? 19 A. I'm not sure. 20 Q. Do you have that 21 documentation? 22 A. I don't know. I may. I 23 don't think I have it on me, but I have</p>	<p style="text-align: right;">Page 192</p> <p>1 A. Yes. 2 Q. And what medication did she 3 give you? 4 A. She actually can't 5 prescribe. Another doctor in there 6 prescribe some -- the cloc -- start with 7 a "C" and Lexapro. He put me on some 8 Zolofit that was too strong. Ambien. 9 Q. Okay. Did you see this 10 other doctor? 11 A. Yes. 12 Q. What was his name? 13 A. I can't recall his name. 14 Q. How often did you see him? 15 A. I think I saw him a total of 16 three times. 17 Q. Were they counseling 18 sessions as well or was it -- 19 A. Yes. 20 Q. -- just -- 21 A. Counseling. 22 Q. Have you seen him since 23 November of '05?</p>

48 (Pages 189 to 192)

FREEDOM COURT REPORTING

Page 193	Page 195
<p>1 A. No.</p> <p>2 Q. And I think you said that</p> <p>3 your -- I guess your primary care</p> <p>4 physician has been the one giving you</p> <p>5 Lexapro now?</p> <p>6 A. Yes. He's in Baptist</p> <p>7 East.</p> <p>8 Q. Zest?</p> <p>9 A. East.</p> <p>10 Q. Okay. How long has he been</p> <p>11 prescribing Lexapro?</p> <p>12 A. I just begin new insurance.</p> <p>13 Old primary so this year, April.</p> <p>14 Q. Was there a time frame you</p> <p>15 weren't taking Lexapro or any other</p> <p>16 antidepressant?</p> <p>17 A. No. No. I have Lexapro --</p> <p>18 I have a prescription for Lexapro so on</p> <p>19 file.</p> <p>20 Q. Okay. Paul Miller?</p> <p>21 A. Neurologist.</p> <p>22 Q. Is he the person you saw for</p> <p>23 your shoulder?</p>	<p>1 Q. And didn't find anything --</p> <p>2 A. No. He wasn't specialized</p> <p>3 in that.</p> <p>4 Q. What about McKinney, who was</p> <p>5 that?</p> <p>6 A. She was my primary care.</p> <p>7 Q. When did you see her?</p> <p>8 A. I saw her February '05. I</p> <p>9 don't know the exact date. But it was</p> <p>10 like 13th or the 14th.</p> <p>11 Q. Prior to seeing Dr. Smith?</p> <p>12 A. No -- yes, prior to Smith.</p> <p>13 Q. Okay. And what did Dr.</p> <p>14 McKinney do for you in February of</p> <p>15 '05?</p> <p>16 A. Give me some ibuprofens and</p> <p>17 some Ambien. Because I was explaining</p> <p>18 to her I wasn't able to sleep.</p> <p>19 Q. Have you seen her since for</p> <p>20 anything as a result of the incident?</p> <p>21 A. No.</p> <p>22 Q. Okay. I assume you might</p> <p>23 see her for something else, but nothing</p>
Page 194	Page 196
<p>1 A. Yes.</p> <p>2 Q. When's the last time you saw</p> <p>3 him?</p> <p>4 A. Well, I saw Barrington for</p> <p>5 my shoulder. Miller was ruling out MRI,</p> <p>6 anything. He's neurologist.</p> <p>7 Q. Okay. So he was --</p> <p>8 A. I saw him in January.</p> <p>9 Q. So he's the person who did</p> <p>10 the MRI?</p> <p>11 A. One of them, yes. Stephen</p> <p>12 Barrington did the other one.</p> <p>13 Q. And who's the one that said</p> <p>14 you had something torn?</p> <p>15 A. Barrington.</p> <p>16 Q. What did Paul Miller say?</p> <p>17 A. He ruled out any neurology</p> <p>18 damage and he referred me to</p> <p>19 Barrington.</p> <p>20 Q. So you saw Miller first?</p> <p>21 A. I saw Miller first of last</p> <p>22 year and they did an ECG on the</p> <p>23 shoulder.</p>	<p>1 related to this incident?</p> <p>2 A. Right.</p> <p>3 Q. Okay. You said you had some</p> <p>4 physical therapy. How often and when?</p> <p>5 A. Started it was three days a</p> <p>6 week.</p> <p>7 Q. When was that?</p> <p>8 A. Started in May, June this</p> <p>9 year.</p> <p>10 Q. Of '06?</p> <p>11 A. Yes.</p> <p>12 Q. Hadn't had physical therapy</p> <p>13 before then?</p> <p>14 A. No.</p> <p>15 Q. Okay. Are you currently?</p> <p>16 A. I have a -- physical</p> <p>17 therapy?</p> <p>18 Q. Physical therapy. How often</p> <p>19 now?</p> <p>20 A. I have to do it three days a</p> <p>21 week.</p> <p>22 Q. Where do you do it?</p> <p>23 A. Fluctuates. They gave me --</p>

49 (Pages 193 to 196)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 197	Page 199
<p>1 I couldn't afford it because it was too 2 expensive. Gave me a chart and traction 3 and everything to do it at home, make 4 sure do it at home. 5 Q. Do you still have medical 6 benefits through EDS? 7 A. Yes. 8 Q. Now, you said something 9 about a chiropractor. When did you see 10 a chiropractor? 11 A. I saw him in January '06. 12 Q. Only once? 13 A. Yes. 14 Q. Why only once? 15 A. Because the swelling was in 16 my neck so high that he stated to me 17 that I need to see a doctor to get the 18 swelling down. 19 Q. Did he refer you to someone? 20 A. No. I had someone. 21 Q. Did you see him before or 22 after you saw the neurologist Miller? 23 A. Saw Miller '05 and I just</p>	<p>1 A. No. 2 3 (Defendants' Exhibit No. 10 was 4 marked for identification) 5 6 Q. You've been handed Exhibit 7 No. 10. Do you recognize this 8 document? 9 A. Yes. 10 Q. What is it? 11 A. From my psychiatrist, 12 Vonceil Smith. 13 Q. Okay. And she's actually a 14 licensed psychologist -- 15 A. Yes. 16 Q. -- not a psychiatrist? 17 A. Yes. 18 Q. Okay. And this is dated 19 March 14, 2005? 20 A. Uh-huh (affirmative 21 response). 22 Q. Is that about the time you 23 started seeing her?</p>
Page 198	Page 200
<p>1 went to a chiropractor '06, January 2 '06. 3 Q. So you didn't see the 4 neurologist in '06? 5 A. Yes, I did. I saw one in 6 '05. 7 Q. Okay. 8 A. Saw -- when the swelling in 9 my shoulders, the anti-inflammatory 10 wasn't -- wasn't taking it. I went to 11 see a chiropractor because I thought it 12 was tension. 13 Q. Uh-huh (affirmative 14 response). 15 A. And he did an X-ray and he 16 stated to me I have swelling. Then I 17 went back to Miller. 18 Q. Okay. So you saw the 19 chiropractor first and then you went 20 back to Miller? 21 A. Yes. 22 Q. Okay. Have you been back to 23 the cry -- chiropractor since?</p>	<p>1 A. Yes. 2 Q. Okay. Why did she write 3 this note? 4 A. Because of my anxiety and 5 panic attacks. 6 Q. Did you ask her to write the 7 note? 8 A. No. 9 Q. Okay. She handed you the 10 note -- 11 A. No, she did not. I guess 12 during our sessions and the medicine 13 that was prescribed to me and she -- I 14 don't know why she did it. But she -- 15 based off of how I was acting, 16 responding. She was questioning me 17 basically about the workplace and she 18 wrote the note. 19 Q. Okay. Did you ever give the 20 note to anybody? 21 A. Yes. I gave it to Tara. 22 Q. Okay. And what was Tara's 23 response?</p>

50 (Pages 197 to 200)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 201</p> <p>1 A. Just filed it.</p> <p>2 Q. And did you ever have to</p> <p>3 take some time off work because of the</p> <p>4 anxiety attacks or panic attacks?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And EDS let you take</p> <p>7 that time off?</p> <p>8 A. Yes.</p> <p>9 Q. She said that your</p> <p>10 medication regiment. What was your</p> <p>11 medication regiment in March of '05?</p> <p>12 A. That was the Ambien and</p> <p>13 cloc -- start with a "C", some other</p> <p>14 stuff, antidepressants.</p> <p>15 Q. I understand you've been on</p> <p>16 different antidepressants. Have you</p> <p>17 ever been on more than one at a time?</p> <p>18 A. No.</p> <p>19 Q. Okay. And you would take</p> <p>20 the Ambien at night to sleep?</p> <p>21 A. Yes.</p> <p>22 Q. You didn't take it during</p> <p>23 the day, did you?</p>	<p style="text-align: right;">Page 203</p> <p>1 A. Probably, yes.</p> <p>2 Q. Ten times, less than ten?</p> <p>3 A. No, it's not that. No more</p> <p>4 than two, three times probably.</p> <p>5 Q. And EDS always let you take</p> <p>6 that time off?</p> <p>7 A. Sick time.</p> <p>8 Q. Sick time; correct?</p> <p>9 A. Yes. Some vacation. Took</p> <p>10 vacation time off.</p> <p>11 Q. Okay.</p> <p>12</p> <p>13 (Defendants' Exhibit No. 11 was</p> <p>14 marked for identification.)</p> <p>15</p> <p>16 Q. This appears -- I mean,</p> <p>17 you've got Exhibit No. 11 and it's</p> <p>18 something I believe you produced to us.</p> <p>19 A. Uh-huh (affirmative</p> <p>20 response).</p> <p>21 Q. It appears to be some sort</p> <p>22 of pharmacy history?</p> <p>23 A. Right.</p>
<p style="text-align: right;">Page 202</p> <p>1 A. No.</p> <p>2 Q. Okay. And the</p> <p>3 antidepressants, how often did you take</p> <p>4 that?</p> <p>5 A. She had me take those once a</p> <p>6 day.</p> <p>7 Q. Okay. And were there any</p> <p>8 side effects from the antidepressants?</p> <p>9 A. Not that I noticed. I don't</p> <p>10 know. Maybe groggy.</p> <p>11 THE REPORTER: Maybe what?</p> <p>12 A. I'm sorry. Groggy.</p> <p>13 Q. Did you ever have to leave</p> <p>14 work because you were too groggy to</p> <p>15 work?</p> <p>16 A. Yes.</p> <p>17 Q. When? How often?</p> <p>18 A. Not often. I don't</p> <p>19 recall.</p> <p>20 Q. More than once that you left</p> <p>21 work because you were too groggy?</p> <p>22 A. From the medicine?</p> <p>23 Q. Yes.</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. Okay. And this is your</p> <p>2 pharmacy history for 2005?</p> <p>3 A. Uh-huh (affirmative</p> <p>4 response).</p> <p>5 Q. Okay. Can you tell me what</p> <p>6 the first prescription fluconazole is</p> <p>7 for?</p> <p>8 A. I don't know. That's</p> <p>9 from -- I think it was like something</p> <p>10 like a Diflucan --</p> <p>11 Q. Okay. This wasn't --</p> <p>12 A. -- like flu --</p> <p>13 Q. That --</p> <p>14 A. No, that's my GYN, the first</p> <p>15 one.</p> <p>16 Q. Okay. So Dr. Saucer is your</p> <p>17 OB/GYN?</p> <p>18 A. Correct.</p> <p>19 Q. So anything he's on here for</p> <p>20 wasn't as a result of the --</p> <p>21 A. No.</p> <p>22 Q. -- alleged incident at EDS?</p> <p>23 A. No.</p>

51 (Pages 201 to 204)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 205</p> <p>1 Q. Okay. And then you've got 2 Rachel McKinney, the ibuprofen? 3 A. Correct. 4 Q. Okay. And she's your 5 primary care physician? 6 A. Correct. 7 Q. Okay. And also the 8 Ambien? 9 A. Yes. 10 Q. Okay. And it looks like she 11 didn't prescribe anything else for you 12 in 2005; correct? 13 A. Correct. 14 Q. Had she pres -- prescribed 15 for you in 2006? 16 A. She's not my primary care 17 physician. She's out of network, so I 18 had to find another one. 19 Q. Who's your primary care 20 physician now? 21 A. Baptist East. 22 Q. Who? 23 A. The Baptist East.</p>	<p style="text-align: right;">Page 207</p> <p>1 Q. Okay. Was that an 2 antidepressant? 3 A. I think that was the -- for 4 antipanic, antidepressant. 5 Q. For panic or -- 6 A. Panic. The panic. 7 Q. That was panic? 8 A. Yes. 9 Q. Okay. So that was not an 10 antidepressant? 11 A. No. 12 Q. Okay. Then you have Dr. 13 Saucer again, who's -- 14 A. Yes. 15 Q. -- the OB/GYN that's not 16 related to this? 17 A. That's correct. 18 Q. And you have in June of '05 19 Dr. Hall prescribing Clonazepam again? 20 A. Okay. 21 Q. And that's the anxiety, 22 panic attack? 23 A. Yes.</p>
<p style="text-align: right;">Page 206</p> <p>1 Q. Oh. But do you have a 2 specific doctor? 3 A. No. 4 Q. Do you have a pharmacy 5 history printout for 2006? 6 A. No. 7 Q. Can you get one? 8 A. Yes. 9 Q. I'd ask that you get one and 10 provide to your attorney -- 11 A. Okay. 12 Q. -- so he can give it to me. 13 Then you have Dr. Hall? 14 A. Yes, Behavior Medicine. 15 Q. Is he the psychiatrist that 16 worked with Dr. Smith? 17 A. Yes. Yes. 18 Q. Okay. And this has 19 Clonazepam? 20 A. Yes. 21 Q. In March of '05? 22 A. Uh-huh (affirmative 23 response).</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Okay. There doesn't appear 2 to be any antidepressant on here? 3 A. Plus he gave me samples. 4 Q. Okay. Do you know what 5 samples he provided? 6 A. Lexapro and Zoloft. 7 Q. Have you ever gotten a 8 prescription for either one of those? 9 A. No. 10 Q. Even today you don't have a 11 prescription? 12 A. No, I have -- have a 13 prescription for it. 14 Q. And who gave you that 15 prescription? 16 A. Baptist East. 17 Q. And when did you get that 18 prescription written? 19 A. She gave me that August this 20 year. 21 Q. So prior to August of '06, 22 you didn't have a prescription for an 23 antidepressant, you just had samples?</p>

52 (Pages 205 to 208)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 209</p> <p>1 A. I had -- I had a 2 prescription but I had another sample 3 that I didn't need to get the 4 prescription filled. 5 Q. Okay. When did you 6 originally get the prescription? 7 A. He gave that back to me back 8 in June of last year. 9 Q. June of '05? 10 A. Yes. 11 Q. And you say he. Who? 12 A. Dr. Hall. 13 Q. But you never had it 14 filled? 15 A. No. 'Cause he gave me 16 enough samples. 17 Q. And what was that 18 prescription for? 19 A. Lexapro. 20 Q. And currently I think from 21 earlier you're taking Ambien and 22 Lexapro -- 23 A. Right.</p>	<p style="text-align: right;">Page 211</p> <p>1 go on? 2 A. The hostile environment that 3 I'm in. 4 Q. And what's that hostile 5 environment that you're in? 6 A. The looks, the 7 intimidation. 8 Q. And by intimidation, it's 9 all nonverbal and noncontact? 10 A. Right. 11 Q. Okay. Anything else that 12 EDS has done to invade your privacy? 13 A. Pretty much allowing it to 14 go on. 15 Q. And by that you mean, it's 16 all after February of '05? 17 A. Right. 18 Q. Did they invade your privacy 19 prior to February of '05? 20 A. No. 21 Q. And when did they start 22 invading your privacy? 23 A. By allowing it after '05,</p>
<p style="text-align: right;">Page 210</p> <p>1 Q. -- and that's it? Now, you 2 also made in your complaint an 3 allegation, a cause of action for 4 assault and battery. Is that against 5 Mr. Williams, against EDS, or against 6 both? 7 A. Mr. Williams. 8 Q. Mr. Williams. It's not 9 against EDS? 10 A. No. 11 Q. What about invasion of 12 privacy, is that against Mr. Williams or 13 against EDS or both? 14 A. Both. 15 Q. Okay. How did EDS invade 16 your privacy? 17 A. Public humiliation and the 18 shame basically and the uncomfortable 19 work environment that I incurred after 20 that. Plus, they allowed -- I feel they 21 allowed it to go on and continue it to 22 go on. 23 Q. Allowed what to continue to</p>	<p style="text-align: right;">Page 212</p> <p>1 just allowing it to go on. 2 Q. So by -- and by that I 3 mean -- I'm trying to pin down by 4 allowing it to go on. I -- it is the 5 intimidation that you're talking about; 6 correct, or is it something else? 7 A. The intimidation and 8 humiliation the -- just the 9 uncomfortable work environment. 10 Q. How have they -- okay. How 11 have they allowed the humiliation to go 12 on? You haven't reported -- 13 A. Yes, I reported to Tara 14 the -- 15 Q. What did you report? 16 A. -- intimidation that 17 Mr. Williams done. 18 Q. All by Mr. Williams? 19 A. Yes. 20 Q. Okay. And you're not aware 21 of what, if any, investigation EDS did 22 with respect to that? 23 A. Well, yes, I am. She stated</p>

53 (Pages 209 to 212)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 213</p> <p>1 to me there was nothing she could do 2 about it as long as, you know, he's at 3 a -- he's at a distance or something. 4 She said just deal with it. 5 Q. Okay. Do you know if an 6 investigation took place? 7 A. No, it didn't take place. 8 MS. VIDEOGRAPHER: Ms. 9 Jacobs, I'm sorry, I need to change 10 tapes. 11 MS. JACOBS: That's okay. 12 MS. VIDEOGRAPHER: Off the 13 record. We conclude Tape 3. The time 14 is 12:49. 15 16 (A brief recess was taken.) 17 18 MS. VIDEOGRAPHER: Back on 19 the record. We commence Tape 4. The 20 time is 12:54. 21 Q. (By Ms. Jacobs) Ms. Jacobs, 22 we've been talking a little bit about 23 counselors or psychiatrists that you</p>	<p style="text-align: right;">Page 215</p> <p>1 post-traumatic stress disorder prior to 2 that? 3 A. Dr. Smith. 4 Q. When did she diagnose you 5 with that? 6 A. '05. 7 Q. Anybody else? 8 A. No. 9 Q. Any other diagnosis that 10 you've been given? 11 A. No. 12 Q. So Dr. Hall, I think, was he 13 the psychiatrist that wrote the 14 prescriptions? 15 A. Yes. 16 Q. Did he make any diagnosis as 17 far as you're aware? 18 A. Not as far as I'm aware. 19 Q. When was the last time you 20 saw a doctor at Baptist East? 21 A. August '06. 22 Q. August '06? 23 A. August '06.</p>
<p style="text-align: right;">Page 214</p> <p>1 have seen since February of '05; 2 correct? 3 A. Correct. 4 Q. Have you actually been 5 diagnosed by any of them with 6 anything? 7 A. Yes. 8 Q. What's a diagnose that you 9 received? 10 A. One doctor stated I was 11 suffering from post-traumatic stress 12 syndrome. 13 Q. Who is that? 14 A. Doctors at Baptist East. 15 Q. So your primary care 16 physician? 17 A. Yes. 18 Q. Do you know specifically 19 which doctor at Baptist East that was? 20 A. No. 21 Q. Male or female? 22 A. Male. 23 Q. Had you been diagnosed with</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. And what was that for? 2 A. A physical. 3 Q. When's the last time you saw 4 a doctor with respect to your mental 5 issues? 6 A. November '05. 7 Q. And what doctor was that? 8 A. Smith. 9 Q. So you're not currently 10 seeing a psychiatrist or psychologist? 11 A. No. 12 Q. And you're not currently 13 seeing anybody at Baptist East for 14 that? 15 A. No. 16 Q. Have you talked to any of 17 your coworkers about this litigation? 18 A. No. 19 Q. You've not talked to one of 20 your coworkers the fact that you've sued 21 EDS or Mr. Williams? 22 A. No, not sued. I told them I 23 have an attorney.</p>

54 (Pages 213 to 216)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

Page 217	Page 219
<p>1 Q. Okay. Have you talked to 2 them about what you were planning to 3 do? 4 A. No. 5 Q. Have you talked to them -- 6 have you ever talked to a coworker about 7 the fact that you thought EDS would 8 settle with you? 9 A. No. 10 Q. Have you talked to them 11 about any specific dollar amounts that 12 you want from EDS? 13 A. No. 14 Q. So if a coworker said you 15 had, they'd be lying? 16 A. Yes. 17 Q. Okay. Have you told anybody 18 that EEOC thought you had a good case? 19 A. No. 20 Q. Have you told anybody that 21 your attorney said that EDS had offered 22 to settle with you? 23 A. No.</p>	<p>1 pornographic information on that 2 computer? 3 A. Not to my knowledge. 4 Q. Did you state differently to 5 EDS? 6 A. Yes, I did. 7 Q. And what did you tell them? 8 A. I told them I didn't know 9 where it came from. 10 Q. You didn't tell them that 11 you'd received something from a friend 12 and deleted it or thought you had 13 deleted it? 14 A. I told them -- I get -- 15 probably said something along the line I 16 got an e-mail. I didn't know what it 17 was. Wasn't familiar and I deleted it 18 that way. 19 Q. That you never even opened 20 it? 21 A. No. 22 Q. Now, if -- if a coworker 23 testified that you had -- had stated</p>
Page 218	Page 220
<p>1 Q. Or that was going to settle 2 with you? 3 A. No. 4 Q. So if anybody said any of 5 those things, they would be lying? 6 A. Correct. 7 Q. Have you ever had 8 pornographic material on your 9 computer? 10 A. No. 11 Q. Have you ever been alleged 12 to have had it on your computer? 13 A. Yes. 14 Q. When was that? 15 A. Back in '98, '99. 16 Q. And what happened? 17 A. Was pulled in the office and 18 showed some information. Stated that 19 they pulled it off my computer and I 20 stated that it didn't come off my 21 computer. I don't know how it got on 22 there. 23 Q. Had you received some</p>	<p>1 that you had brought a gun to work or 2 had it in you car, would they be 3 lying? 4 A. Yes. 5 Q. And if they stated that you 6 threatened to use it against another 7 coworker, would that be a lie as well? 8 A. Yes. 9 Q. Okay. And if somebody said 10 that you had threatened your coworkers 11 or made threats against your coworkers 12 that would be a lie as well? 13 A. Yes. 14 Q. Have you ever talked to any 15 of your coworkers that this would be -- 16 this litigation would be a way to get 17 you out of debt? 18 A. No. 19 Q. So if somebody said that, 20 that would be a lie as well? 21 A. Yes. 22 Q. Did you ever tell a coworker 23 that you had a role to play and that's</p>

55 (Pages 217 to 220)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 221</p> <p>1 why you were going to see a 2 psychiatrist? 3 A. No. 4 Q. Have you ever told a 5 coworker that EDS couldn't fire you 6 now? 7 A. No. 8 Q. Do you think EDS could fire 9 you? 10 A. Yes. 11 Q. Okay. Do you think they 12 had -- that you understand the at will 13 nature of your employment that -- 14 A. Yes. 15 Q. -- you can quit at any 16 time? 17 A. Yes. 18 Q. And they can fire you as 19 long as it's not for any legal reason? 20 A. Yes. 21 MS. JACOBS: Okay. Pass the 22 witness to you. 23 MR. WILLIAMS: Okay.</p>	<p style="text-align: right;">Page 223</p> <p>1 Cynthia Sanders, Eddie Sanders, Linda 2 Bowling. 3 Q. Well, if you'll -- if you'll 4 go ahead, it might save some time. Just 5 go ahead and tell me if where they live 6 and if they're employed. 7 A. Most my family's here is -- 8 Q. I'm just saying, we do it 9 anyhow you want to. 10 A. Okay. 11 Q. But it'd be helpful if you'd 12 say their name, where they live, and if 13 they're employed and where. 14 A. Cynthia Sanders, Ridgecrest, 15 employed at the -- I think it's the 16 Capitol; Eddie Sanders, retired, works 17 at the church; Jerome Bowling -- 18 Q. Which church? I'm sorry. 19 A. Freewill. I'm sorry. 20 Freewill. Jerome Bowling; stepfather, 21 Ellis; Mildred Smith, school teacher; 22 Eloise Smith, work at Baptist; Mable 23 Robinson, works at Wal-Mart; Reginald</p>
<p style="text-align: right;">Page 222</p> <p>1 MS. VIDEOGRAPHER: You want 2 to just switch mics or want -- 3 MR. WILLIAMS: Sure. 4 MS. JACOBS: Okay. 5 MS. VIDEOGRAPHER: Or he can 6 use that one, whatever. 7 MS. JACOBS: Happy to get 8 rid of the mic. 9 MR. WILLIAMS: Sounds 10 agreeable. 11 MR. WALKER: A lot of 12 responsibility comes with that mic. 13 MR. WILLIAMS: That's right. 14 15 EXAMINATION BY MR. WILLIAMS: 16 Q. Ms. Jacobs, do you have 17 family here in Montgomery? 18 A. Yes. 19 Q. Tell me the names of any 20 family that you have in this area, and 21 if they're employed, where they're 22 employed, please. 23 A. My entire family's here.</p>	<p style="text-align: right;">Page 224</p> <p>1 Smith, works on Gunter, IT; Daryl Smith, 2 works at Russell; Taqueta Smith, works 3 at Colonial Bank. Let's see. Andrew 4 Smith, works at Stern Brothers; Joseph 5 Smith, works at Rheem. I have aunts 6 that's nurses. Fab -- 7 THE REPORTER: I'm sorry. 8 A. Fabiola Jacobs, she's a 9 nurse. I have a big, huge family. 10 Q. Let -- let me stop you right 11 there. You didn't tell me what 12 relationship they were. Tell me who are 13 your parents. 14 A. Linda Bowling and Jerome 15 Bowling. Well, Linda Bowling is my 16 mother. Willie Jacobs, Major Willie 17 Jacobs is my father. 18 Q. All right. And the other 19 family members you listed, is that 20 brothers and sisters? 21 A. No. Aunties. And I have a 22 sister Tonya Jacobs Phillips in 23 Mississippi.</p>

56 (Pages 221 to 224)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 225</p> <p>1 Q. Okay. Let me ask you 2 something else. We'll be here all day. 3 Why don't we just get a list. 4 MR. WALKER: We'll get -- 5 we'll put one together for you. 6 MR. WILLIAMS: So you can 7 tell me what their relationship is. 8 MR. WALKER: We'll -- we'll 9 give you the relationship and we'll give 10 you -- 11 Q. (Mr. Williams) That'd be 12 great. And your children, your two 13 sons, where they attend school? 14 A. One at Floyd -- Floyd Middle 15 Magnet School. The other one's at 16 Dannelly. 17 Q. All right. Since you've 18 been living at Flamingo Lane, has anyone 19 lived there with you other than your 20 sons and I think you said 21 Senior? 22 A. That's it. 23 Q. All right. Now where does</p>	<p style="text-align: right;">Page 227</p> <p>1 Q. Now, I thought you said 2 earlier that there was a Dr. Bernard 3 Hill at -- 4 A. Hale. 5 Q. -- American Family Care? 6 A. Hale. Hale. 7 Q. I'm sorry. 8 A. Bernard Hale. 9 Q. How do you Spell that? 10 A. H-A-L-E. 11 Q. Now, is he your doctor 12 too? 13 A. No, he's not my doctor. 14 He's just an emergency care physician. 15 Q. Okay. Has he prescribe 16 medication for you? 17 A. Yes, he did. Ambien. 18 Q. All right. We saw a sheet 19 of paper that showed us Rite Aid and I'm 20 not sure what the location was, but it 21 looks like it's on West Fairview? 22 A. Correct. 23 Q. Is that your primary drug</p>
<p style="text-align: right;">Page 226</p> <p>1 , Senior live now? 2 A. He's in North Carolina. 3 Q. Does he work in North 4 Carolina? 5 A. I'm not sure. He just 6 recently relocated. 7 Q. What was he doing when he 8 lived down here with you? 9 A. He was general manager at 10 Applebee's. 11 Q. Has he ever been arrested? 12 A. I think so. 13 Q. For what? 14 A. I don't know. 15 Q. But you said I think earlier 16 he's the father of your two sons? 17 A. Yes. 18 Q. Is he originally from the 19 Montgomery area? 20 A. Yes, he is. 21 Q. Do you know where he went to 22 school here? 23 A. Lee, Robert E. Lee.</p>	<p style="text-align: right;">Page 228</p> <p>1 store? 2 A. Yes. 3 Q. Have you got any 4 prescriptions filled anywhere in the 5 last couple years anywhere else? 6 A. Yes. CVS. 7 Q. Which location? 8 A. Fairview. 9 Q. All right. So if we got the 10 records for Rite Aid and CVS on 11 Fairview, we'd have all your pharmacy 12 records -- 13 A. Yes. 14 Q. -- within the last three or 15 four years? 16 A. Yes. 17 Q. All right. You listed your 18 employment earlier since you graduated 19 from Alabama A&M in 1994. Is there any 20 other employment that you didn't tell us 21 about? 22 A. Since '94? 23 Q. Since you graduated from</p>

57 (Pages 225 to 228)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 229</p> <p>1 college?</p> <p>2 A. No. I was pregnant. No.</p> <p>3 Q. Was Mr. living in</p> <p>4 Huntsville too at that time?</p> <p>5 A. Yes.</p> <p>6 Q. Did he go to Alabama A&M as</p> <p>7 well?</p> <p>8 A. Yes.</p> <p>9 Q. The church that you attend,</p> <p>10 you mentioned something about your</p> <p>11 church. Which church do you --</p> <p>12 A. Freewill.</p> <p>13 Q. What's the whole?</p> <p>14 A. Missionary Baptist Church.</p> <p>15 Q. And where is it located?</p> <p>16 A. Hill Street.</p> <p>17 Q. And is that the only church</p> <p>18 you've attended during -- since the last</p> <p>19 couple years?</p> <p>20 A. Yes.</p> <p>21 Q. The Boys and Girls Club that</p> <p>22 was located in the same building, is</p> <p>23 that Montgomery or central Alabama?</p>	<p style="text-align: right;">Page 231</p> <p>1 Q. Less than that?</p> <p>2 A. Yes.</p> <p>3 Q. And specifically what period</p> <p>4 of time did you report that this was</p> <p>5 occurring?</p> <p>6 A. What do you mean, the time</p> <p>7 frame or --</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. It was after -- it has to</p> <p>10 been -- I know it was after February.</p> <p>11 It might have been May '05, some in</p> <p>12 June, July '05, if I'm not mistaken.</p> <p>13 Q. But you just don't have any</p> <p>14 idea who that could have been?</p> <p>15 A. No.</p> <p>16 Q. And was Mr. Blue living</p> <p>17 there at the time?</p> <p>18 A. He wasn't living there but</p> <p>19 he was at -- he was there at the time.</p> <p>20 Q. So Mr. could tell us</p> <p>21 about circumstances of what had</p> <p>22 occurred?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 230</p> <p>1 A. I'm not sure. I think</p> <p>2 Montgomery. I'm not sure.</p> <p>3 Q. Do you know anybody that</p> <p>4 works there?</p> <p>5 A. No.</p> <p>6 Q. Or did you?</p> <p>7 A. No.</p> <p>8 Q. Okay. You -- you mentioned</p> <p>9 when you reported that there was some</p> <p>10 knocking on your window or your door at</p> <p>11 your house during that time period that</p> <p>12 you called the police. Was it the</p> <p>13 Montgomery Police Department?</p> <p>14 A. Yes.</p> <p>15 Q. And so if we go to</p> <p>16 Montgomery Police Department records,</p> <p>17 there'll be records there --</p> <p>18 A. Yes.</p> <p>19 Q. -- for these occurrences?</p> <p>20 A. Yes.</p> <p>21 Q. More than ten times that you</p> <p>22 reported it?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. Now, you mentioned that you</p> <p>2 got the .22 pistol. But as I understand</p> <p>3 it, you got the pistol and took it and</p> <p>4 then locked it up at your house?</p> <p>5 A. I placed it in my closet in</p> <p>6 my safe, correct.</p> <p>7 Q. Right.</p> <p>8 A. Yes.</p> <p>9 Q. Well, I mean, if it's in a</p> <p>10 safe, it's locked up, isn't it?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. So you got the</p> <p>13 pistol, you took it and put it in your</p> <p>14 safe?</p> <p>15 A. Correct.</p> <p>16 Q. Have you ever shot it</p> <p>17 ever?</p> <p>18 A. No. Probably once.</p> <p>19 Q. Okay. Do you know how to --</p> <p>20 A. No.</p> <p>21 Q. -- handle a gun at all?</p> <p>22 A. No. That's why it's put</p> <p>23 up.</p>

58 (Pages 229 to 232)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 233</p> <p>1 Q. So basically you got the 2 gun, took it, put it in your safe and 3 never got it back out? 4 A. No. 5 Q. Right? 6 A. Right. 7 Q. What was the occasion for 8 you shooting it? 9 A. Just practice, tried it, and 10 didn't like the way it felt. 11 Q. Where did you shoot? 12 A. Just out in the air. 13 Q. In your yard? 14 A. Yes. 15 Q. And who was with you? 16 A. No one. 17 Q. Do you actually have 18 ammunition for it? 19 A. Yes. 20 Q. Do you have that at your 21 home? 22 A. Yes. 23 Q. Where is that located?</p>	<p style="text-align: right;">Page 235</p> <p>1 to you that you were offended by, is 2 there anywhere we can find any 3 documentation about that incident? 4 A. Other than speaking to 5 Brenda, no. 6 Q. Well, I mean 7 documentation? 8 A. No. 9 Q. An e-mail, anything written 10 down? 11 A. No. 12 Q. An e-mail that you send a 13 friend from your house, anything? 14 A. No. 15 Q. So the only person that 16 could tell us anything about that other 17 than you would be Brenda? 18 A. Correct. 19 Q. And you say you reported to 20 her on the day it occurred? 21 A. Yes. 22 Q. All right. Let me ask you a 23 couple of questions about Defendants'</p>
<p style="text-align: right;">Page 234</p> <p>1 A. In the safe. 2 Q. Okay. So you got the gun, 3 you went and bought some ammunition. 4 Did you go buy ammunition for it? 5 A. Yes. 6 Q. Where did you buy it? 7 A. Wal-Mart. 8 Q. Got ammunition for it, shot 9 it once, took it, locked it up in your 10 safe and hadn't gotten it back out since 11 then? 12 A. Correct. 13 Q. And it's still there 14 today? 15 A. Yes. 16 Q. Do you own any other gun? 17 A. No. 18 Q. Have you ever owned any guns 19 before? 20 A. No. 21 Q. On this incident you 22 described for us in January of '05 23 involving Mr. Williams saying something</p>	<p style="text-align: right;">Page 236</p> <p>1 Exhibit No. 6 that we talked to about 2 before which is the statement that you 3 typed up dated February 23rd of '05. 4 You typed that up, didn't you? 5 A. Yes. 6 Q. And that was less than two 7 weeks after you say this occurred; 8 correct? 9 A. Yes. 10 Q. And you actually typed this 11 yourself? 12 A. Yes. 13 Q. And you knew that when you 14 typed this that it was important to 15 prepare a full and accurate account what 16 had occurred; correct? 17 A. Not -- an account of what 18 happened, yes. 19 Q. I mean, you made a report to 20 Ms. Leslie Liebman, didn't you? 21 A. Correct. 22 Q. And you knew that she was 23 human resources; correct?</p>

59 (Pages 233 to 236)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 237</p> <p>1 A. Correct.</p> <p>2 Q. And you knew that you were</p> <p>3 reporting something Mr. Williams had</p> <p>4 done pursuant to sexual harassment</p> <p>5 policy, correct?</p> <p>6 A. Correct.</p> <p>7 Q. You knew it was important to</p> <p>8 include everything in here that had</p> <p>9 occurred in that incident, didn't you?</p> <p>10 A. To report the incident, but</p> <p>11 everything I didn't -- apparently, when</p> <p>12 I was typing, I was thinking ahead of my</p> <p>13 typing.</p> <p>14 Q. I'm not asking you what you</p> <p>15 were thinking.</p> <p>16 A. Okay.</p> <p>17 Q. I'm asking you when you</p> <p>18 prepared this you knew that it was</p> <p>19 important to put everything in there</p> <p>20 that had happened to you, didn't you?</p> <p>21 A. Not everything, majority of</p> <p>22 what happened.</p> <p>23 Q. Okay. So when you reported</p>	<p style="text-align: right;">Page 239</p> <p>1 Q. Let's just go with detail</p> <p>2 then. You knew when you made this</p> <p>3 statement and when you typed it up that</p> <p>4 it was important to put all of the</p> <p>5 details of what had occurred, didn't</p> <p>6 you?</p> <p>7 A. The detail, you put all.</p> <p>8 Q. What I just said --</p> <p>9 A. I didn't put -- you just</p> <p>10 said all the detail. I didn't put all</p> <p>11 the detail. I put the details.</p> <p>12 Q. Okay. There's something</p> <p>13 about this you don't like, isn't it? Is</p> <p>14 this -- let me ask you this: Is</p> <p>15 Defendants' Exhibit No. 6, is that a</p> <p>16 true account of what occurred?</p> <p>17 A. Not all of what occurred but</p> <p>18 what occurred.</p> <p>19 Q. Okay. So you didn't give a</p> <p>20 true and full account of what occurred</p> <p>21 when you prepared this, did you?</p> <p>22 A. I gave the detail what</p> <p>23 happened.</p>
<p style="text-align: right;">Page 238</p> <p>1 to human resources person, you were just</p> <p>2 going to put most of what happened?</p> <p>3 A. I put down what happened to</p> <p>4 me. But I guess the details -- I didn't</p> <p>5 put all the details. I put down what</p> <p>6 happened to me.</p> <p>7 Q. Okay. So you didn't think</p> <p>8 it was important enough when you made</p> <p>9 this report less than two weeks from the</p> <p>10 time it occurred to put the details in</p> <p>11 the report; correct?</p> <p>12 A. I -- I put the details in</p> <p>13 there.</p> <p>14 Q. Okay. All right. That's</p> <p>15 what I asked you at the beginning of all</p> <p>16 this. When you made this statement,</p> <p>17 Defendants' Exhibit No. 6, to the human</p> <p>18 resources director, you knew that it was</p> <p>19 important to give a full and detailed</p> <p>20 account of what had occurred?</p> <p>21 A. You're saying full. I put</p> <p>22 the detail what happened. I didn't but</p> <p>23 the full detail.</p>	<p style="text-align: right;">Page 240</p> <p>1 Q. Okay. Are the details</p> <p>2 contained in Defendants' Exhibit No.</p> <p>3 6?</p> <p>4 A. Not the full detail.</p> <p>5 Q. Okay. And you didn't think</p> <p>6 it important enough to give the full</p> <p>7 details?</p> <p>8 A. I guess I blocked it out.</p> <p>9 Q. But once you went to see a</p> <p>10 lawyer and you went to his office and he</p> <p>11 typed it up, then you put some</p> <p>12 additional information in Defendants'</p> <p>13 Exhibit No. 8, didn't you?</p> <p>14 A. I put down -- all of this</p> <p>15 right here is not on here (indicated).</p> <p>16 Q. Okay. I didn't ask you</p> <p>17 that.</p> <p>18 A. But this right here I told</p> <p>19 exactly step by step what happened when</p> <p>20 I was in his office.</p> <p>21 Q. No, ma'am, that's not what I</p> <p>22 asked you. If you'll listen carefully</p> <p>23 to my question.</p>

60 (Pages 237 to 240)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 241</p> <p>1 A. Said add --</p> <p>2 Q. I think it was fairly clear.</p> <p>3 I said after you went to see your</p> <p>4 lawyer --</p> <p>5 A. Uh-huh (affirmative</p> <p>6 response).</p> <p>7 Q. -- and you signed</p> <p>8 Defendants' Exhibit No. 8 and he typed</p> <p>9 it up, it's got additional information</p> <p>10 in it, doesn't it?</p> <p>11 A. It got what happened in</p> <p>12 here.</p> <p>13 Q. It has additional</p> <p>14 information --</p> <p>15 A. Yes.</p> <p>16 Q. -- that's not in Defendants'</p> <p>17 Exhibit No. 6?</p> <p>18 A. Exactly.</p> <p>19 Q. The word "breast" is not in</p> <p>20 Defendants' Exhibit No. 6, is it?</p> <p>21 A. Okay.</p> <p>22 Q. Is it?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 243</p> <p>1 Q. But you didn't remember it</p> <p>2 when you prepared Defendants' Exhibit</p> <p>3 No. 6?</p> <p>4 A. I remember everything that</p> <p>5 happened.</p> <p>6 Q. You didn't remember it when</p> <p>7 you wrote this down, did you?</p> <p>8 A. When I wrote it, but I</p> <p>9 remember everything that happened.</p> <p>10 Q. Right. But when you</p> <p>11 prepared Defendants' Exhibit No. 6</p> <p>12 apparently you didn't remember it when</p> <p>13 you prepared it because you didn't put</p> <p>14 it in there?</p> <p>15 A. I remembered it then. I</p> <p>16 just neglected to put it in there.</p> <p>17 Q. It wasn't important to</p> <p>18 you?</p> <p>19 A. It was very important.</p> <p>20 Q. But you didn't put it in</p> <p>21 there?</p> <p>22 A. It was very traumatizing.</p> <p>23 Q. It what -- but you didn't</p>
<p style="text-align: right;">Page 242</p> <p>1 Q. You didn't put it in there,</p> <p>2 did you?</p> <p>3 A. I neglected to put that in</p> <p>4 there.</p> <p>5 Q. When -- less than two weeks</p> <p>6 after this occurred and you prepared a</p> <p>7 written statement, you didn't put that</p> <p>8 he had touched your breast, did you?</p> <p>9 A. No, I didn't.</p> <p>10 Q. All right. And you didn't</p> <p>11 put in Defendants' Exhibit No. 6 that he</p> <p>12 put his hand in your pants either, did</p> <p>13 you?</p> <p>14 A. No.</p> <p>15 Q. All right. But after you</p> <p>16 went to meet with your lawyer and he</p> <p>17 typed it up, it's in Defendants' Exhibit</p> <p>18 No. 8, isn't it?</p> <p>19 A. Yes.</p> <p>20 Q. Is that your rendition of</p> <p>21 what happened or is that somebody</p> <p>22 else's?</p> <p>23 A. That's what happened.</p>	<p style="text-align: right;">Page 244</p> <p>1 put it in there, did you?</p> <p>2 A. I was traumatized.</p> <p>3 Q. Let me ask you something</p> <p>4 about No. 8. Did you type Defendants'</p> <p>5 Exhibit No. 8 up?</p> <p>6 A. No.</p> <p>7 Q. Who typed that up?</p> <p>8 A. My lawyer.</p> <p>9 Q. Now, were you there when it</p> <p>10 was prepared or was it provided to you</p> <p>11 later?</p> <p>12 A. I think I was there.</p> <p>13 Q. Did you look at Defendants'</p> <p>14 Exhibit No. 6 when you prepared --</p> <p>15 A. No.</p> <p>16 Q. -- No. 8? No?</p> <p>17 A. No.</p> <p>18 Q. Did you review Defendants'</p> <p>19 Exhibit No. 6 before this deposition?</p> <p>20 A. No.</p> <p>21 Q. Did you review Defendants'</p> <p>22 Exhibit No. 8?</p> <p>23 A. No.</p>

61 (Pages 241 to 244)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 245</p> <p>1 Q. What did you review? 2 A. What did I review? 3 Q. Right. 4 A. My e-mails to Ms. Liebman. 5 Q. All right. Have we looked 6 at all of the documents here today that 7 you reviewed to prepare for your 8 deposition? 9 A. I didn't review none of this 10 before I came here. 11 Q. What I'm saying is do you 12 have any additional documents that we 13 have not gone over? 14 A. E-mails to Ms. Liebman. 15 Q. That are not -- that are not 16 in here? 17 A. That's not on here, right. 18 Q. Anything else? 19 A. Huh-uh (negative 20 response). 21 Q. I'm sorry? 22 A. Sorry. My performance 23 assessments.</p>	<p style="text-align: right;">Page 247</p> <p>1 A. These are stuff that was -- 2 no. 3 Q. I'm sorry? 4 A. No. No. 5 Q. Well, what is all that? 6 A. This is just junk. 7 Q. Is it anything to do with 8 this? 9 A. No, it doesn't. 10 Q. What all I'm trying to find 11 out -- 12 A. I -- I just brought it in 13 looking professional. 14 Q. You done a good job on that. 15 All I want to know is is there anything 16 else that you have reviewed to prepare 17 for your deposition other than the 18 e-mails, other than your performance 19 evaluations? 20 A. No. 21 Q. All right. You don't have 22 to look in there. 23 A. Okay.</p>
<p style="text-align: right;">Page 246</p> <p>1 Q. I'm sorry. What? 2 A. My performance 3 assessments. 4 Q. Okay. Anything else? 5 MR. WALKER: If I might 6 interject to save some time, there's 7 nothing she's reviewed that I didn't 8 produce. 9 MR. WILLIAMS: Let -- let 10 me -- let her -- let her tell me that. 11 I don't need you to tell me. I need her 12 to tell me what you reviewed. 13 You reviewed your 14 performance assessments? 15 A. Uh-huh (affirmative 16 response). 17 Q. You reviewed the e-mails 18 from Ms. Liebman. Have you reviewed 19 anything else in preparation for your 20 deposition? 21 A. No. 22 Q. Do you have any handwritten 23 notes that you prepared?</p>	<p style="text-align: right;">Page 248</p> <p>1 Q. Just all I want to know is 2 have you reviewed anything else? 3 A. No. 4 Q. Did you prepare any notes? 5 A. I prepared no notes. I just 6 mentally wrote things down for myself. 7 Q. When did you write things 8 down? 9 A. Sunday. 10 Q. Okay. And What were you 11 looking at to write things down? 12 A. Just pretty much my 13 performance assessment, e-mails, jot 14 down e-mails that I felt that was 15 important. 16 Q. Okay. Anything else that -- 17 did you make any notes at the time this 18 occurred? 19 A. As far as what? 20 Q. Anything? 21 A. About what, the incident 22 occurred? 23 Q. Right. Right after it</p>

62 (Pages 245 to 248)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 249</p> <p>1 or any time?</p> <p>2 A. Yes, I made several, several</p> <p>3 notes.</p> <p>4 Q. Well, where are they?</p> <p>5 A. They may be at home. Made</p> <p>6 copies, forward to my attorney. She</p> <p>7 forwarded to her.</p> <p>8 MR. WALKER: Anything I've</p> <p>9 got I've given --</p> <p>10 MS. JACOBS: I've got no</p> <p>11 handwritten notes.</p> <p>12 MR. WALKER: I've not --</p> <p>13 A. No, no handwritten notes.</p> <p>14 MR. WALKER: I've not gotten</p> <p>15 any handwritten notes.</p> <p>16 A. No.</p> <p>17 MR. JACOBS: And I don't</p> <p>18 have any --</p> <p>19 MR. WALKER: I've not</p> <p>20 received any handwritten notes.</p> <p>21 Q. (By Mr. Williams) What have</p> <p>22 you prepared? What have you prepared?</p> <p>23 A. What you mean prepared?</p>	<p style="text-align: right;">Page 251</p> <p>1 they?</p> <p>2 A. I e-mailed those to my</p> <p>3 attorney. They were notes that I jotted</p> <p>4 down.</p> <p>5 MR. WALKER: Wait. Wait.</p> <p>6 Time out. Any correspondence that has</p> <p>7 taken place between she and I are</p> <p>8 questionably be privileged and wouldn't</p> <p>9 have anything to do with this</p> <p>10 deposition.</p> <p>11 Q. Right. I'm not asking about</p> <p>12 that. All I want to know is you -- you</p> <p>13 just told me earlier that you prepared</p> <p>14 notes during the course of -- after this</p> <p>15 incident; correct?</p> <p>16 A. Correct.</p> <p>17 Q. You made those notes?</p> <p>18 A. Correct.</p> <p>19 Q. All right. And then you</p> <p>20 sent them to your lawyer?</p> <p>21 A. Correct.</p> <p>22 MR. WALKER: She made them</p> <p>23 for her lawyer.</p>
<p style="text-align: right;">Page 250</p> <p>1 Q. Well, I mean, you just got</p> <p>2 through telling me that you made some</p> <p>3 notes?</p> <p>4 A. I have this (indicated.)</p> <p>5 Q. I thought you said that</p> <p>6 didn't have anything to do with this?</p> <p>7 A. This my performance</p> <p>8 assessments.</p> <p>9 Q. Okay. Other than that, I</p> <p>10 thought you just told me that you had</p> <p>11 made notes?</p> <p>12 A. I just made notes on certain</p> <p>13 things as far as, you know, when I got</p> <p>14 the stick -- stack of stuff they sent</p> <p>15 me, just wrote down some stuff that I</p> <p>16 remembered. I wanted to remember.</p> <p>17 Q. I'm confused. I thought</p> <p>18 earlier I asked you during the course of</p> <p>19 this after you say this occurred that</p> <p>20 you made some notes?</p> <p>21 A. Yes, I have made notes, not</p> <p>22 handwritten, typed notes.</p> <p>23 Q. All right. Where are</p>	<p style="text-align: right;">Page 252</p> <p>1 MR. WILLIAMS: Well, now are</p> <p>2 you going to testify or you going to let</p> <p>3 her?</p> <p>4 MR. WALKER: I'm trying to</p> <p>5 clarify.</p> <p>6 MR. WILLIAMS: Well, I mean</p> <p>7 I -- I -- that's not what she just said.</p> <p>8 Let me ask you this: The</p> <p>9 notes that you made, when did you make</p> <p>10 them?</p> <p>11 A. I made them ongoing. Every</p> <p>12 time something happened, I took notes.</p> <p>13 I typed them. I sent them to my</p> <p>14 attorney.</p> <p>15 Q. Right. Anything else that</p> <p>16 you looked at or reviewed?</p> <p>17 A. Such as?</p> <p>18 Q. Well, see, I don't know</p> <p>19 because I didn't review it. That's why</p> <p>20 I'm asking you.</p> <p>21 A. I'm just wondering what --</p> <p>22 which line -- I mean, review like what?</p> <p>23 Q. Well, you -- did you prepare</p>

63 (Pages 249 to 252)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 253</p> <p>1 for the deposition?</p> <p>2 A. I prepared myself mentally</p> <p>3 for the deposition.</p> <p>4 Q. What about reviewing</p> <p>5 documents?</p> <p>6 A. My e-mails that I stated</p> <p>7 earlier.</p> <p>8 Q. All right. Now, tell me</p> <p>9 about how you go about preparing those</p> <p>10 e-mails.</p> <p>11 A. If something happened, I'd</p> <p>12 type it down. An incident occurred, I'd</p> <p>13 type it up. I sent it to myself at home</p> <p>14 and I sent it to my attorney.</p> <p>15 Q. Like give me an example of</p> <p>16 something.</p> <p>17 A. The parking lot incident;</p> <p>18 such and such date this occurred.</p> <p>19 Q. You would document what had</p> <p>20 occurred and you would put what the</p> <p>21 circumstances were; correct?</p> <p>22 A. Correct.</p> <p>23 Q. And anytime anything like</p>	<p style="text-align: right;">Page 255</p> <p>1 rogatories.</p> <p>2 Q. All right. Other than that</p> <p>3 then?</p> <p>4 A. No.</p> <p>5 Q. Other than the e-mails,</p> <p>6 performance evaluations?</p> <p>7 A. That's it.</p> <p>8 Q. Notes you prepared and the</p> <p>9 interrogatories and request for</p> <p>10 documents --</p> <p>11 A. That's it.</p> <p>12 Q. -- anything else? You know</p> <p>13 right after you got off the elevator</p> <p>14 after this -- you say this occurred, was</p> <p>15 anyone standing there?</p> <p>16 A. No.</p> <p>17 Q. Nobody was a witness to that</p> <p>18 either?</p> <p>19 A. No.</p> <p>20 Q. And you say this occurred,</p> <p>21 this incident on the elevator, between</p> <p>22 45 and 60 seconds?</p> <p>23 A. The ride of the elevator?</p>
<p style="text-align: right;">Page 254</p> <p>1 this intimidation you talked about, you</p> <p>2 would do -- type that up and say what</p> <p>3 had happened?</p> <p>4 A. Correct.</p> <p>5 Q. What other -- give me some</p> <p>6 other examples.</p> <p>7 A. That's basically it.</p> <p>8 Q. All right. Other than</p> <p>9 reviewing those e-mails to prepare for</p> <p>10 your deposition, and other ones from Ms.</p> <p>11 Liebman and then your performance</p> <p>12 evaluations --</p> <p>13 A. Uh-huh (affirmative</p> <p>14 response).</p> <p>15 Q. -- did you look at anything</p> <p>16 else to help you prepare for the</p> <p>17 deposition?</p> <p>18 A. The file that they sent me I</p> <p>19 made copies for myself, the questions</p> <p>20 that they wanted.</p> <p>21 Q. The?</p> <p>22 A. Ms. Jacobs.</p> <p>23 MR. WALKER: Inter-</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. Well, I mean, everything</p> <p>2 that you say that happened happened in</p> <p>3 that time frame?</p> <p>4 A. The elevator ride, yes.</p> <p>5 Q. All of what you've told us</p> <p>6 about what you claim Mr. Williams did on</p> <p>7 that elevator occurred between 45 and 60</p> <p>8 seconds?</p> <p>9 A. Yes.</p> <p>10 Q. Let me ask you just a few</p> <p>11 questions about this. You say that</p> <p>12 he -- in Defendants' Exhibit 8, you say</p> <p>13 he began rubbing my breast and then he</p> <p>14 began putting his hand in my pants. Are</p> <p>15 you talking about both hands, he's</p> <p>16 rubbing you on your breast with --</p> <p>17 A. No.</p> <p>18 Q. -- both hands, putting both</p> <p>19 hands in your pants?</p> <p>20 A. No. He put his right hand</p> <p>21 down my pants.</p> <p>22 Q. And how is he holding you,</p> <p>23 how is he restraining you?</p>

64 (Pages 253 to 256)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 257</p> <p>1 A. He's got his hands on this 2 way (indicated), push my body towards 3 his body and was holding me that way. 4 Q. He's holding you with one 5 arm? 6 A. Yes, he jerked, yes. At the 7 time, I was only 115 pounds. 8 Q. He's beside you or behind 9 you? 10 A. He's on the side of me. 11 Q. On your right side? 12 A. On my right side. 13 Q. And he's got which arm 14 around you? 15 A. He has his left arm around 16 me (indicated), grabbed me. 17 Q. Left arm around your 18 waist? 19 A. Yes. 20 Q. Standing beside your right 21 side? 22 A. He's on the right side. He 23 pressed his body right here and this was</p>	<p style="text-align: right;">Page 259</p> <p>1 Q. And then all that's still 2 going on and then he takes his right 3 hand out of your pants? 4 A. No. 5 Q. Okay. What did he do after 6 he took his -- 7 He didn't take -- he 8 took his hand -- right -- the shirt was 9 tucked down in my pants. He grabbed me. 10 He pulled me in. And I looked, I said 11 get off me. He put his hand down my 12 pants, pulled the blouse up and start 13 beginning to rub on me saying I felt 14 good. He needed me to warm him up. 15 Then he was moving all up here and I 16 kept pushing off, get off -- get -- get 17 off of me. Then -- then he say -- bing, 18 alerts you that the elevator door is 19 going to open and he released me. 20 Q. So all the touching he did 21 on you on -- on your stomach and all 22 that, was with his right hand? 23 A. Yes.</p>
<p style="text-align: right;">Page 258</p> <p>1 up under here and I'm pushing like that 2 (indicated). 3 Q. So he's got his left arm 4 around you? 5 A. Yes. 6 Q. And then he's pulling on 7 you? 8 A. Yes. 9 Q. And you're trying to pull 10 away? 11 A. I'm pushing. 12 Q. You're pushing? 13 A. Yes. 14 Q. You're not trying to pull 15 away, you're pushing? 16 A. No, I'm pushing. 17 Q. And you're screaming? 18 A. Get off. Yes, I was 19 screaming. 20 Q. And he takes -- while all 21 that's going on, he takes his right hand 22 and puts that in your pants? 23 A. Yes.</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. He was using his left hand 2 to hold you? 3 A. He was restraining me like 4 this (indicated). 5 Q. Around your waist? 6 A. Yes. 7 Q. Well, the way you just 8 described it didn't sound like he stuck 9 his hand in your pants? 10 A. He did. 11 Q. He did. 12 A. Because my blouse was inside 13 of my pants. 14 Q. Okay. 15 A. He put his hand down in my 16 pants, pulled my shirt out. 17 Q. Okay. 18 A. My shirt was actually like 19 this (indicated) when I got off of the 20 elevator. 21 Q. Okay. Stuck his hand down 22 in the pants and pulled your shirt 23 out?</p>

65 (Pages 257 to 260)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 261</p> <p>1 A. No. Shirt inside my pants, 2 belt, slacks, gets on the elevator, 3 walks in the elevator, elevator door 4 closed. He proceeded -- when the 5 elevator door closed, he grabbed me, 6 pulled me towards him on this way 7 (indicated). This was locked under here 8 his frame (indicated). Push his hand 9 down in my pants, pulled my shirt out of 10 my pants. He was rubbing down -- he 11 start rubbing my stomach, then he moved 12 up. 13 Q. Did he actually touch your 14 breast? 15 A. Yes. He touched the bra 16 area of the breast. 17 Q. Okay. And then that's when 18 the elevator stopped right after that? 19 A. Bing. That's all I 20 remember, bing and he -- he released 21 me. 22 Q. You mentioned something 23 about your medical insurance. Who --</p>	<p style="text-align: right;">Page 263</p> <p>1 Q. Now, you told me -- told us 2 about all the doctors you've seen I take 3 it for your shoulder? 4 A. Yes. 5 Q. You got -- any other 6 physical injuries that you claim you 7 suffered other than your shoulder? 8 A. No. 9 Q. Now, who was the doctor if I 10 wanted to go and talk to a doctor and 11 find out what's wrong with your 12 shoulder, who's the one that knows the 13 most, is that Dr. Barrington? 14 A. Barrington. 15 Q. He's an orthopedic doctor? 16 A. Yes. 17 Q. He's told you you got torn 18 cartilage? 19 A. Some leakage or tear that 20 fluids leak out. 21 Q. Did he tell you that what 22 happened during the -- what you say 23 happened during this elevator ride in</p>
<p style="text-align: right;">Page 262</p> <p>1 that's probably through your employment. 2 Do you know what company that is, 3 whether that's Blue Cross -- 4 A. Aetna. 5 Q. Aetna. 6 A. Uh-huh (affirmative 7 response). 8 Q. Now, you mentioned that they 9 ought to terminate Mr. Williams at EDS 10 or terminate Mr. Williams; right? 11 A. Because of the incident, 12 yes. 13 Q. Right. And what you would 14 be asking them to do is take your word 15 for what happened? 16 A. Yes. 17 Q. 'Cause if they take his 18 word, Mr. Williams' word, then he ought 19 not be terminated; right? 20 A. Correct. 21 Q. So why should they take your 22 word over his? 23 A. I can't answer for him.</p>	<p style="text-align: right;">Page 264</p> <p>1 February '05 would have caused -- 2 A. Yes. 3 Q. -- this kind of injury? 4 A. Yes. 5 Q. He has said that? 6 A. Yes. 7 Q. But you didn't see him until 8 2006; right? 9 A. Right. 10 Q. And what is it that showed 11 the problem with your shoulder, MRI? 12 A. Yes. 13 Q. Okay. While we're on that. 14 Let me ask you something about before 15 February of '05. Have you seen any 16 other doctors that we haven't talked 17 about? 18 A. Before '05? 19 Q. (Nodded head affirmatively.) 20 A. Yes, I had surgery on my 21 feet. Yes. 22 Q. Okay. Who was that? 23 A. Mark Veres.</p>

66 (Pages 261 to 264)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 265</p> <p>1 THE REPORTER: Mark who?</p> <p>2 A. Veres.</p> <p>3 Q. V-E-R-E-S?</p> <p>4 A. Yes.</p> <p>5 Q. All right. What about any</p> <p>6 other physicians you've seen?</p> <p>7 A. Other than -- no.</p> <p>8 Q. Well, Dr. Saucer --</p> <p>9 A. Other than that --</p> <p>10 Q. -- for another problem. Any</p> <p>11 other doctors?</p> <p>12 A. No.</p> <p>13 Q. Been hospitalized other than</p> <p>14 with your children?</p> <p>15 A. Other than female things,</p> <p>16 no.</p> <p>17 Q. And that would be Dr.</p> <p>18 Saucer?</p> <p>19 A. Correct.</p> <p>20 Q. A surgical procedure?</p> <p>21 A. Correct.</p> <p>22 Q. Any other</p> <p>23 hospitalizations?</p>	<p style="text-align: right;">Page 267</p> <p>1 you having him arrested --</p> <p>2 A. No.</p> <p>3 Q. -- or calling the police on</p> <p>4 him, anything like that?</p> <p>5 A. No.</p> <p>6 Q. Any other other than</p> <p>7 Mr. Blue, you ever had any problems with</p> <p>8 any other boyfriends?</p> <p>9 A. No. Mr. Williams about it.</p> <p>10 Q. Were both your children born</p> <p>11 here in Montgomery?</p> <p>12 A. Yes.</p> <p>13 Q. At which hospital?</p> <p>14 A. One was at Maxwell. The</p> <p>15 other one was at Jackson.</p> <p>16 Q. Okay. And how is it at</p> <p>17 Maxwell?</p> <p>18 A. My father was in the</p> <p>19 military.</p> <p>20 Q. Okay. You told us about</p> <p>21 Baptist East. But -- but can you not</p> <p>22 tell us the name of any doctor?</p> <p>23 A. No, I just started seeing</p>
<p style="text-align: right;">Page 266</p> <p>1 A. No.</p> <p>2 Q. You had to go to the ER for</p> <p>3 any problems that you've had?</p> <p>4 A. No.</p> <p>5 Q. None that you can think</p> <p>6 of?</p> <p>7 A. None that I can think of.</p> <p>8 Q. All right. If you went to</p> <p>9 the ER, where would you go?</p> <p>10 A. Depends.</p> <p>11 Q. On the emergency room?</p> <p>12 A. Yeah.</p> <p>13 Q. Before February of '05, had</p> <p>14 you ever had to take anything to sleep</p> <p>15 at all?</p> <p>16 A. No.</p> <p>17 Q. Have you been to a</p> <p>18 psychologist, psychiatrist?</p> <p>19 A. No.</p> <p>20 Q. Counselor of any kind?</p> <p>21 A. No.</p> <p>22 Q. Have you ever had any</p> <p>23 problems with Mr. Blue that resulted in</p>	<p style="text-align: right;">Page 268</p> <p>1 them.</p> <p>2 Q. All right. Where is that</p> <p>3 located? It's not at the hospital?</p> <p>4 A. It's at the hospital.</p> <p>5 Actually, at the hospital.</p> <p>6 Q. Okay. You go to the</p> <p>7 hospital to see this doctor?</p> <p>8 A. Has an office inside the</p> <p>9 hospital.</p> <p>10 Q. Okay. All right. Other</p> <p>11 than what you've told us about while ago</p> <p>12 about the notes that you made about the</p> <p>13 different incidents that occurred, have</p> <p>14 you documented anywhere anything else</p> <p>15 that relates to this lawsuit in any</p> <p>16 way?</p> <p>17 A. No. Other -- no.</p> <p>18 Q. You understand my</p> <p>19 question?</p> <p>20 A. No. I'm just --</p> <p>21 Q. In other words, we've seen</p> <p>22 the e-mails that you send.</p> <p>23 A. Okay.</p>

67 (Pages 265 to 268)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 269</p> <p>1 Q. We've seen the statements 2 that you prepared. You told us that you 3 did some narratives that you prepared 4 that are typed. 5 A. Okay. 6 Q. Is there anything else that 7 you've done either writing it down? 8 A. No. 9 Q. Preparing narratives? 10 A. No. 11 Q. Doing tape recordings or 12 anything? 13 A. Just -- no. 14 Q. I mean -- 15 A. You said type it out. Other 16 than the notes, I told you about those. 17 Q. Right. 18 A. That's it. 19 Q. You told me that. 20 A. That's it. 21 Q. Anything else -- 22 A. That's it. 23 Q. -- you know, where you would</p>	<p style="text-align: right;">Page 271</p> <p>1 Q. -- log? But you typed it? 2 A. Yes. 3 Q. What kind of thing would you 4 put in there? 5 A. Like the following incident, 6 stuff like that. 7 Q. That you say he -- where he 8 followed you? 9 A. Yes. 10 Q. And would you still have all 11 that? 12 A. I don't know. I don't think 13 so. Because once I typed it, I think I 14 just trashed it because I had a copy. 15 Q. Okay. Would this be 16 something you did on your computer? 17 A. Yes. 18 Q. All this preparation that 19 you did by way of notes or anything -- 20 A. Just typed, yes. 21 Q. -- would be something you 22 put on your computer? Are you just 23 saying you would have deleted at some</p>
<p style="text-align: right;">Page 270</p> <p>1 write down and say, you know, this 2 happened today, keep a log or diary? 3 A. I -- yes, I do have one 4 notebook, one notebook. 5 Q. And what is that? 6 A. It's basically same thing 7 that I typed. I retyped them for -- 8 Q. What, is this like a log or 9 what is this? 10 A. Yeah, it was a log. 11 Particular day and I typed it and 12 forward it. 13 Q. All right. Now, when did 14 you start doing that? 15 A. Mid summer, last year, 16 '05. 17 Q. So later after it occurred 18 after you had sent in your Defendants' 19 Exhibit No. 8, the thing is dated in 20 March, sometime after that -- 21 A. Yes. 22 Q. -- you began this -- 23 A. Yeah.</p>	<p style="text-align: right;">Page 272</p> <p>1 point in time? 2 A. Yes. 3 Q. But you probably could go 4 back and find it? 5 A. I doubt it because I redid 6 my computer. 7 Q. When did you do that? 8 A. When it crashed. 9 Q. When was that? 10 A. Back in December. My son 11 put a virus on it. 12 Q. So you got a new computer 13 now? 14 A. No. 15 Q. Okay. What did you do to 16 it? 17 A. Just restore it. 18 Q. Did someone do the work for 19 you? 20 A. No, I did it. 21 Q. You did it yourself? 22 A. Yes. 23 Q. You never filed</p>

68 (Pages 269 to 272)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 273</p> <p>1 bankruptcy?</p> <p>2 A. No.</p> <p>3 Q. And Mr. Walker's the only</p> <p>4 lawyer you ever talked to about this?</p> <p>5 A. Yes.</p> <p>6 MR. WILLIAMS: Okay. We can</p> <p>7 take just about five seconds. I think</p> <p>8 we're probably --</p> <p>9 MS. JACOBS: I'm going to</p> <p>10 have a couple more questions.</p> <p>11 MR. WILLIAMS: Okay. Why</p> <p>12 don't you go ahead and then we'll do</p> <p>13 that.</p> <p>14 MS. JACOBS: Okay.</p> <p>15</p> <p>16 EXAMINATION CONTINUED BY MS. JACOBS:</p> <p>17 Q. Do you still have any</p> <p>18 contact with Mr. ?</p> <p>19 A. Yes, periodically.</p> <p>20 Q. How often?</p> <p>21 A. Once or twice a week.</p> <p>22 Q. Okay. And I think you've</p> <p>23 testified he is the father of both your</p>	<p style="text-align: right;">Page 275</p> <p>1 attorney?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So you typed them up</p> <p>4 at work?</p> <p>5 A. At home, at work, when the</p> <p>6 incident happened, yes.</p> <p>7 Q. Did you type any of them at</p> <p>8 work on the computer --</p> <p>9 A. Yes.</p> <p>10 Q. -- at EDS?</p> <p>11 A. Yes.</p> <p>12 Q. And then from there you</p> <p>13 would send them to yourself?</p> <p>14 A. Yes.</p> <p>15 Q. Otherwise why would you send</p> <p>16 them to yourself?</p> <p>17 A. Why?</p> <p>18 Q. Yeah.</p> <p>19 A. For the home computer.</p> <p>20 Q. For your home computer;</p> <p>21 right? But if you typed them at home,</p> <p>22 you wouldn't send them to yourself</p> <p>23 because you've got them; right?</p>
<p style="text-align: right;">Page 274</p> <p>1 children?</p> <p>2 A. Yes.</p> <p>3 Q. But doesn't pay child</p> <p>4 support?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. Have to ask him.</p> <p>8 Q. Has he ever contributed to</p> <p>9 their --</p> <p>10 A. Yes.</p> <p>11 Q. -- monetarily to their</p> <p>12 education?</p> <p>13 A. Yes.</p> <p>14 Q. How often does he do that?</p> <p>15 A. Periodically.</p> <p>16 Q. Does he do it on a regular</p> <p>17 basis?</p> <p>18 A. No.</p> <p>19 Q. Now, you testified earlier</p> <p>20 that you typed some notes up. You --</p> <p>21 Had you a -- I guess wrote them down</p> <p>22 first, typed them up, and then would</p> <p>23 send them to yourself and to your</p>	<p style="text-align: right;">Page 276</p> <p>1 A. I'm sorry?</p> <p>2 Q. I -- I'm just trying to</p> <p>3 figure out why you would send them to</p> <p>4 yourself if you typed them at home. If</p> <p>5 you typed them at home, don't you have</p> <p>6 them? So why would you resend it to</p> <p>7 yourself, does that make sense?</p> <p>8 A. I send them to -- myself an</p> <p>9 e-mail. Whatever -- if I typed the</p> <p>10 notes, I send them to Tara and my</p> <p>11 attorney; those typed notes, this</p> <p>12 incident happened.</p> <p>13 Q. So you would send those to</p> <p>14 Tara as well?</p> <p>15 A. Some of them, yes.</p> <p>16 Q. Not all of them?</p> <p>17 A. No.</p> <p>18 Q. Okay. And did they have</p> <p>19 anything in them other than this is what</p> <p>20 happened?</p> <p>21 A. I don't think so.</p> <p>22 Q. Okay. So you didn't say</p> <p>23 this is what happened. What should I do</p>

69 (Pages 273 to 276)

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 277</p> <p>1 about it. It would just be a factual 2 statement to your attorney, this is the 3 facts that happened? 4 A. Those are the notes from 5 home. 6 Q. Right. 7 A. Right. 8 Q. What about the ones from 9 work? 10 A. Those are pretty much 11 incidents that happened and letting 12 Tara, whomever know what happened and 13 also send him a copy. 14 Q. Okay. So once again you're 15 not seeking advice, you're just saying 16 this is what happened? 17 A. Right. Right. 18 Q. Okay. And any of the ones 19 that you sent him from home saying this 20 is what happened today, did you ask him 21 any advice -- 22 A. No. 23 Q. -- in those e-mails?</p>	<p style="text-align: right;">Page 279</p> <p>1 Dr. Benjamin Wouters. 2 A. Wouters. 3 Q. W-O-U-T-E-R-S? 4 A. That's with Miller. He's 5 with Miller. MRI, the ECG. 6 Q. Okay. And have you seen 7 him -- 8 A. No. Well, since that 9 incident? 10 Q. Right. 11 A. Yes, I saw him on '05. 12 Q. He's the person that 13 performed the -- 14 A. Yes. 15 Q. -- MRI? 16 A. The ECG or something. 17 Q. Any other time that you saw 18 Dr. Wouters? 19 A. No. 20 Q. Okay. What about Dr. Oscar 21 Orille? 22 A. I think that's another one 23 who did the MRI.</p>
<p style="text-align: right;">Page 278</p> <p>1 A. No. 2 MS. JACOBS: I'd ask that 3 any of those e-mails be produced. The 4 facts -- 5 MR. WALKER: I'm sorry. 6 MS. JACOBS: Any of those 7 e-mails that she sent to you, if all 8 they have is facts in them they're 9 producible. They are not 10 attorney/client privilege. 11 MR. WALKER: I'll take a 12 look at them and see. 13 MS. JACOBS: She has stated 14 she wasn't seeking legal advice. She 15 was just telling you what happened. 16 MR. WALKER: I'll -- I mean, 17 I'll review them. I'll take a look at 18 them and see. 19 Q. (By Ms. Jacobs) Your 20 attorney provided me some supplemental 21 interrogatories today. And they have a 22 couple of names on here that we haven't 23 talked about with respect to doctors.</p>	<p style="text-align: right;">Page 280</p> <p>1 Q. He's with Dr. Miller as 2 well? 3 A. No. He's with Baptist. 4 Q. Okay. 5 A. Would have been at Baptist, 6 yeah. 7 Q. So Dr. Miller is with 8 Baptist as well? 9 A. He's Jackson and Baptist. 10 Q. Okay. Now, in this lawsuit, 11 you're obviously seeking damages of some 12 kind. 13 A. Okay. 14 Q. What do you want out of this 15 lawsuit? What damages have you 16 suffered? 17 A. Mental, physical. 18 Q. Monetarily you haven't lost 19 any wages; correct? 20 A. No. 21 Q. 'Cause you're still 22 employed? 23 A. Correct.</p>

70 (Pages 277 to 280)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

FREEDOM COURT REPORTING

<p style="text-align: right;">Page 281</p> <p>1 Q. Okay. Any other monetary 2 damages you're seeking? Obviously, if 3 you're not seeking wages, anything 4 else -- 5 A. I'm -- 6 Q. -- besides for mental 7 anguish or something? 8 A. No. 9 Q. Okay. Medical expenses? 10 A. Yes. 11 Q. Are they covered under your 12 medical -- 13 A. Not all of it. 14 Q. What part isn't, your 15 copay? 16 A. Copay, yes. 17 Q. Okay. So your copay you 18 think you're entitled to? 19 A. Yes. 20 Q. Okay. Anything else? 21 A. Attorney. 22 Q. Okay. Anything else? 23 A. No.</p>	<p style="text-align: right;">Page 283</p> <p>1 MS. VIDEOGRAPHER: Off the 2 record. The time is 1:38. 3 4 (A brief recess was taken.) 5 6 MS. VIDEOGRAPHER: Back on 7 the record. The time is 1:42. 8 Q. (By Ms. Jacobs) Ms. Jacobs, 9 have you understood our questions today 10 or let us know when you haven't? 11 A. Yes. 12 Q. Okay. And have you tried to 13 answer truthfully and fully and 14 accurately to the best of your 15 ability? 16 A. Yes. 17 Q. Okay. Are there any issues 18 that you think you need to clear up 19 before we go off the record today? 20 A. No. 21 Q. No? 22 A. No. 23 MS. JACOBS: Okay. Any</p>
<p style="text-align: right;">Page 282</p> <p>1 Q. Okay. Can you put a dollar 2 amount on what you think your mental 3 anguish has been? 4 A. No. 5 Q. You can't? 6 A. No. 7 Q. Why not? 8 A. I just can't. 9 Q. Okay. You can't tell me 10 what you'd ask a jury to award you? 11 A. No, I never actually thought 12 of that, thought that. 13 Q. You've never thought of how 14 much money you could get out of this 15 lawsuit? 16 A. No, did not. 17 Q. And you've never talked to 18 anybody about how much money you could 19 get out of this lawsuit? 20 A. No. 21 MS. JACOBS: Why don't we 22 take the five minute break and we'll 23 wrap it up.</p>	<p style="text-align: right;">Page 284</p> <p>1 further questions? 2 MR. WILLIAMS: No further 3 questions. 4 MR. WALKER: I don't have 5 anything. 6 MS. JACOBS: Okay. 7 MS. VIDEOGRAPHER: We 8 conclude the deposition. The time is 9 1:42. 10 11 12 13 14 15 FURTHER DEPONENT SAITH NOT 16 17 18 19 20 21 22 23</p>

71 (Pages 281 to 284)

367 VALLEY AVENUE
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

130-2085-03

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Adwoia Jacobs

HOME TELEPHONE (Include Area Code)
334-

STREET ADDRESS

CITY, STATE AND ZIP CODE

Montgomery, Alabama 36116

DATE OF BIRTH

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE
STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

ELECTRONICS DATA SYSTEMS

NUMBER OF EMPLOYEES, MEMBERS

1,000 +

TELEPHONE (Include Area Code)

334-

STREET ADDRESS

CITY, STATE AND ZIP CODE

Montgomery, Alabama 36104

COUNTY

Montgomery

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

Feb. 10, 05 to date

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

On February 10, 2005, I was getting on the elevator at my place of work when I felt someone touch my rear end. I looked up and saw that it was Jeff Williams, a co-worker of mine. Once the elevator doors shut, Mr. Williams grabbed me and pulled me close to him. He pressed his body against me and forced me against the wall. I said "hey, get off me!". He said "I am cold and I want you to warm me up". He proceeded to take my blouse out of my pants and he began to rub my bare stomach. He began rubbing my breasts and then he began putting his hand in my pants. He laid his head on my shoulder and told me it felt good. The elevator came to a stop and he got off on the 6th floor. I was flabbergasted.

I have had to go to the Doctor as a result of this incident. I injured my shoulder when I tried to push him off of me. I am also seeing a Counselor because of the problems that I am having dealing with this.

I feel that I have been discriminated against in violation of the Civil Rights Act of 1964, specifically Title VII, 42 U.S.C. sections 2000e et seq. I am also alleging State claims of Assault, battery, wantonness, negligent hiring, training and supervision, invasion of privacy, and outrage.

**DEFENDANT'S
EXHIBIT**

8 Exhibits

☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

3/8/05

Date

3-8-05

Charging Party (Signature)

EEOC FORM 5 (Rev. 06/92)

JACOBS00112

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ADWOWA JACOBS,

Plaintiff,

v.

ELECTRONIC DATA SYSTEMS
CORPORATION AND JEFF
WILLIAMS,

Defendants.

§
§
§
§
§
§
§
§

CIVIL ACTION NO.

2:05-CV-925-MHT-SRW

**ELECTRONIC DATA SYSTEMS CORPORATION'S
FIRST SET OF REQUESTS FOR ADMISSIONS, INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

TO: Adwowa Jacobs, by and through her attorney of record, Mr. L.D. Walker, III, The Walker Law Firm, 8650 Minnie Brown Road, Suite 160, Montgomery, Alabama 36117.

Electronic Data Systems Corporation, Inc. ("EDS"), one of the Defendants in the above-entitled and numbered cause, serves the following Requests for Admissions, Interrogatories and Requests for Production, to which Plaintiff shall respond in accordance with the Federal Rules of Civil Procedure. Plaintiff must answer each Request for Admission, Interrogatory and/or Request for Production separately. Plaintiff must deliver her written responses, as well as responsive documents, to counsel for EDS within thirty (30) days of service of same to Baker & Hostetler LLP, 1000 Louisiana, Suite 2000, Houston, Texas 77002-5009.

EXHIBIT "2"

Respectfully submitted,

BAKER & HOSTETLER LLP

Dated: March 21, 2006

By: 

Tonya A. Jacobs
Texas Bar No. 00790954
Federal I.D. No. 18459
Rachel M. Smith
Texas Bar No. 24046483
Federal I.D. No. 570875
1000 Louisiana, Suite 2000
Houston, Texas 77002-5009
(713) 751-1600 Telephone
(713) 751-1717 Telecopier

BURR & FORMAN LLP

Ashley H. Hattaway (HAT007)
Wachovia Tower
420 North Twentieth Street, Ste. 3100
Birmingham, Alabama 35203
Telephone: (205) 458-5135
Telecopier: (205) 458-5100

ATTORNEYS FOR DEFENDANT ELECTRONIC
DATA SERVICES CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March, 2006, a true and correct copy of the foregoing document has been served on the following counsel of record, via Certified Mail, return receipt requested:

L. D. Walker, III
The Walker Law Firm
8650 Minnie Brown Road, Suite 160
Montgomery, Alabama 36117

James E. Williams
Melton, Epsy & Williams, P.C.
Post Office Drawer 5130
Montgomery, Alabama 36103-5130


Tonya A. Jacobs

DEFINITIONS

- A. "Jacobs," "You," or "Your" refers to Plaintiff, Adwowa Jacobs, including, without limitation, her agents, employees, attorneys, accountants, and all persons acting or purporting to act on her behalf.
- B. "Defendant" or "EDS" refers to Electronic Data Systems Corporation, Inc., including, without limitation, all persons which you contend act or purport to act on Defendant, EDS' behalf.
- C. "Defendants," in the plural, shall include both Electronic Data Systems Corporation, Inc. and Jeff Williams.
- D. "Williams" shall refer to Defendant, Jeff Williams.
- E. "Complaint" means Plaintiff's Complaint filed by you in this case, including all amendments thereto.
- F. The term "PERSON" includes a corporation, partnership, or any other type of business association or entity; a governmental body, municipality, board, agency, or entity of any type; and a natural person.
- G. The term "IDENTIFY" when used in connection with a natural person, entity, or document means that you are required to furnish the following information
 - (a) With respect to a natural person, state (i) his/her full name, (ii) his/her last known business and residence address and telephone numbers, (iii) his/her last known employer or place of employment and job title, and (iv) if such person was affiliated at any time with you by employment or otherwise, the nature and dates of such affiliation, including all job titles held and the dates during which each position was held;
 - (b) With respect to an entity, state its full name, address and telephone number; and
 - (c) With respect to a document, either produce a copy of the document or (i) state the title of the document, its, date, author and list its recipient(s) (as applicable), (ii) list any identification number, (iii) describe its contents, (iv) disclose whether any page or part thereof is missing, lost or otherwise omitted.
- H. "POSSESSION" means and includes documents actually within your possession, custody or control, including any employee, consultant, aide or other representative (including, without limitation, attorneys and accountants) and any other person acting or purporting to act on your behalf or in concert with you, and includes any temporary placing of possession, custody or control in any third party by any of the foregoing persons. All documents and tangible things in your possession which are responsive to these Requests for Production shall be produced.

- I. WRITINGS and RECORDINGS shall mean and include, without limitation, all handwritten, typed, printed and photostatic matter and drafts, duplicates or any other copies of all agreements, contracts, communications, correspondence, letters, telegrams, telexes, telecopies, memoranda, records, reports, books, tape recordings, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations, summaries or other records of meetings and conferences, diaries, calendars, appointment books, financial statements, worksheets, accounts, ledgers, notes, bills, statements, invoices, journal entries, receipts, checks, cancelled checks, envelopes or folders or similar containers, microfilm, microfiche, booklets, circulars, pamphlets, photographs, graphs, charts, computer programs, cards, tapes or disks, computer runs, magnetic or other memory components of computers containing information, summaries or analyses of computer runs, and all WRITINGS of any type and all other data compilations from which information can be obtained or translated into usable form.
- J. "RELATING TO" means refers to, relates to, concerns, reflects, contains, embodies or in any manner pertains to the subject matter of the Request for Admission, Interrogatory and/or Request for Production.
- K. "EEOC" means the Equal Employment Opportunity Commission.
- L. "Title VII" means Title VII of the Civil Rights Act of 1964.
- M. The singular shall include the plural, and the plural the singular, wherever the effect of doing so is to increase the information responsive to the request for information.
- N. The "last 10 years to the present" means 10 years preceding the service of this discovery through the present. Pursuant to the supplementation requirement under the Federal Rules of Procedure, you are hereby requested to update your answers regarding all complaints, lawsuits, settlements, information, documents, etc. that arise or are created or come to your attention during the pendency of this lawsuit.
- O. "Benefits" or "fringe benefits" means anything of value received by Plaintiff, including but not limited to, life insurance policies or plans, health insurance policies or plans, dental insurance policies or plans, disability insurance policies or plans, paid vacation, paid sick days, paid personal days, severance payments or packages, tuition reimbursement payments or plans, company picnics or parties, company retreats, company award programs at resorts paid for by the company, below-market interest loans, credit union membership, motor vehicles provided, car allowances, annuities, pension payments or plans, IRAs, SEPs, matching 401(k) or other pension or retirement payments, borrowing privileges against a 401(k) or other pension funds, employee awards or rewards programs, cafeteria plan benefits, programs that permit an employee to receive pay in a manner in which the employee gets tax benefits if [he/she] uses the income to pay for day care, deductibles on insurance payments, etc., vision payments or plans, country club memberships, club memberships, use of company owned tickets to sporting, musical or other entertainment events, use of country clubs or other clubs of which the employer is a member, or any other type of perks or perquisites.

INSTRUCTIONS

- A. You are required to respond to these Requests for Admission, Interrogatories and Requests for Production, drawing upon all materials in your actual or constructive possession, ownership, custody, or control, including materials that you have a right to secure from any other source. These sources include, but are not limited to, your agents, attorneys, accountants, consultants, and advisors.
- B. If any document requested was, but no longer is, in your possession or subject to your control, whether actual or constructive, please identify the document, state what disposition was made of the document, and the date or dates (or approximate date or dates) when such disposition was made.
- C. Supplementation is required. You are required to supplement your responses to include information hereafter acquired or discovered in accordance with the Federal Rules of Civil Procedure.
- D. Objections. If you file a proper and timely objection to any individual Request for Admission, Interrogatory and/or Request for Production or a portion thereof, please respond to all portions of the Request and/or Interrogatory that do not fall within the ambit of your objection. For example, if you object to a Request on the ground that it is too broad insofar as it seeks documents covering time periods that you contend are not relevant to this litigation, you should produce documents for all time periods which you concede are relevant.
- E. Withholding Documents. If any document is withheld, in whole or in part, for any reason, including, but not limited to, any claim of privilege or confidentiality, please state with respect to each document: (a) the privilege or ground under which the document is being withheld; (b) a general description of the subject matter of the document; (c) the author of the document; (d) all persons to whom the document is addressed and all persons to whom copies of the document were furnished, together with their job titles; (e) the date of the document; (f) the present custodian and location of the document; and (g) the paragraph number of the request to which the document is responsive.
- F. No Responsive Documents. If there are no documents responsive to a specific Request, please so indicate in your written response to that Request for Production.
- G. Manner of Production. The documents produced in response to each Request shall be segregated and clearly marked or labeled as to the specific Request to which such documents are responsive and are being produced. Otherwise, such documents shall be produced as they are kept in the usual course of business, including the production of files from which such documents are taken.
- H. If it is claimed that any of the documents the identity of which is sought in these Requests and/or Interrogatories constitute trial preparation materials, then for each such document, please state:

- (a) who prepared the document;
 - (b) who requested that the document be prepared;
 - (c) when and where the document was prepared; and
 - (d) the identity of each person who has revised the document.
- I. In the event that any document requested has been lost or destroyed, please identify such document by author(s), addressee(s), date, subject matter, number of pages, and attachments or appendices, identify all persons to whom such document was distributed, shown or explained, identify all persons who had custody of each such document, state the date of loss or destruction, and identify the person responsible for the loss or destruction.
- J. Unless otherwise specified, each Request for Admission, Interrogatory and/or Request for Production seeks information from the date you initially applied for employment with Defendant through the date of your response to these Requests.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you have not incurred and are not seeking to recover in this lawsuit any past or future medical expenses as a result of the alleged conduct of the Defendants as set forth in your Complaint.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Admit that you have not been treated by a psychologist, psychiatrist, doctor, or medical professional as a result of the alleged conduct of the Defendants as set forth in your Complaint.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Admit that at all times during your employment with EDS, you have been an at-will employee.

RESPONSE:

REQUEST FOR ADMISSION NO. 4: Admit that you do not have a contract to be employed with EDS for any length of time.

RESPONSE:

REQUEST FOR ADMISSION NO. 5: Admit that you are currently employed by EDS.

RESPONSE:

REQUEST FOR ADMISSION NO. 6: Admit that you have not been harassed because of your gender.

RESPONSE:

REQUEST FOR ADMISSION NO. 7: Admit that you have not suffered a substantial detrimental effect on your employment or your psychological well-being, as a result of any conduct of Defendants.

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Admit that you have not been treated for or diagnosed with severe emotional distress, mental anguish, anxiety, stress, humiliation, inconvenience, and/or loss of enjoyment of life.

RESPONSE:

REQUEST FOR ADMISSION NO. 9: Admit that neither EDS nor Williams engaged in extreme and/or outrageous conduct toward you.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Admit that neither EDS nor Williams discriminated against you because of your gender.

RESPONSE:

REQUEST FOR ADMISSION NO. 11: Admit that neither EDS nor Williams intentionally and/or recklessly caused you severe emotional distress.

RESPONSE:

REQUEST FOR ADMISSION NO. 12: Admit that neither EDS' nor Williams' actions or inactions constituted a wrongful intrusion into your private life and/or activities.

RESPONSE:

REQUEST FOR ADMISSION NO. 13: Admit that EDS did not intrude into your private life and activities in such a manner as to cause you outrage, mental anguish, shame, and/or humiliation.

RESPONSE:

REQUEST FOR ADMISSION NO. 14: Admit that you have no evidence that EDS intentionally interfered with your interest in solitude and seclusion, either as to your person or private affairs and/or concerns.

RESPONSE:

REQUEST FOR ADMISSION NO. 15: Admit that you have never been subject to unwelcome sexual harassment during your employment with EDS.

RESPONSE:

REQUEST FOR ADMISSION NO. 16: Admit that you reported only one alleged incident of harassment to anyone at EDS.

RESPONSE:

REQUEST FOR ADMISSION NO. 17: Admit that during your employment with EDS, you have not been demoted or docked in pay.

RESPONSE:

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ADWOWA JACOBS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05CV925-MHT
)	
ELECTRONIC DATA SYSTEMS)	
CORPORATION, et al.,)	
)	
Defendants.)	

ORDER

This matter is presently before the court on the motion to compel and for imposition of sanctions filed by defendant Electronic Data System Corporation on June 16, 2006 (Doc. # 15). Although she was given an opportunity to do so (see Doc. # 16), plaintiff has not responded to the motion. Upon consideration of the motion, it is

ORDERED that the motion to compel is GRANTED. Plaintiff is directed to respond to defendant's outstanding interrogatories and requests for production, without objection, on or before July 21, 2006.

It is further ORDERED that defendant's requests for admissions are deemed admitted by operation of Fed. R. Civ. P. 36(a).

It is further ORDERED that defendant's motion for sanctions is GRANTED to the extent that the court will require plaintiff to pay defendant reasonable expenses and attorney's fees incurred in making the present motion. Defendant's counsel is DIRECTED to file an affidavit itemizing such fees and expenses on or before July 20, 2006. Plaintiff may file a written objection to the reasonableness of any such fees or expenses on or before July 27, 2006. To the extent defendant's

motion seeks fees for time expended in corresponding with plaintiff's counsel in an attempt to resolve this discovery dispute, the motion is DENIED.

DONE, this 12th day of July, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE